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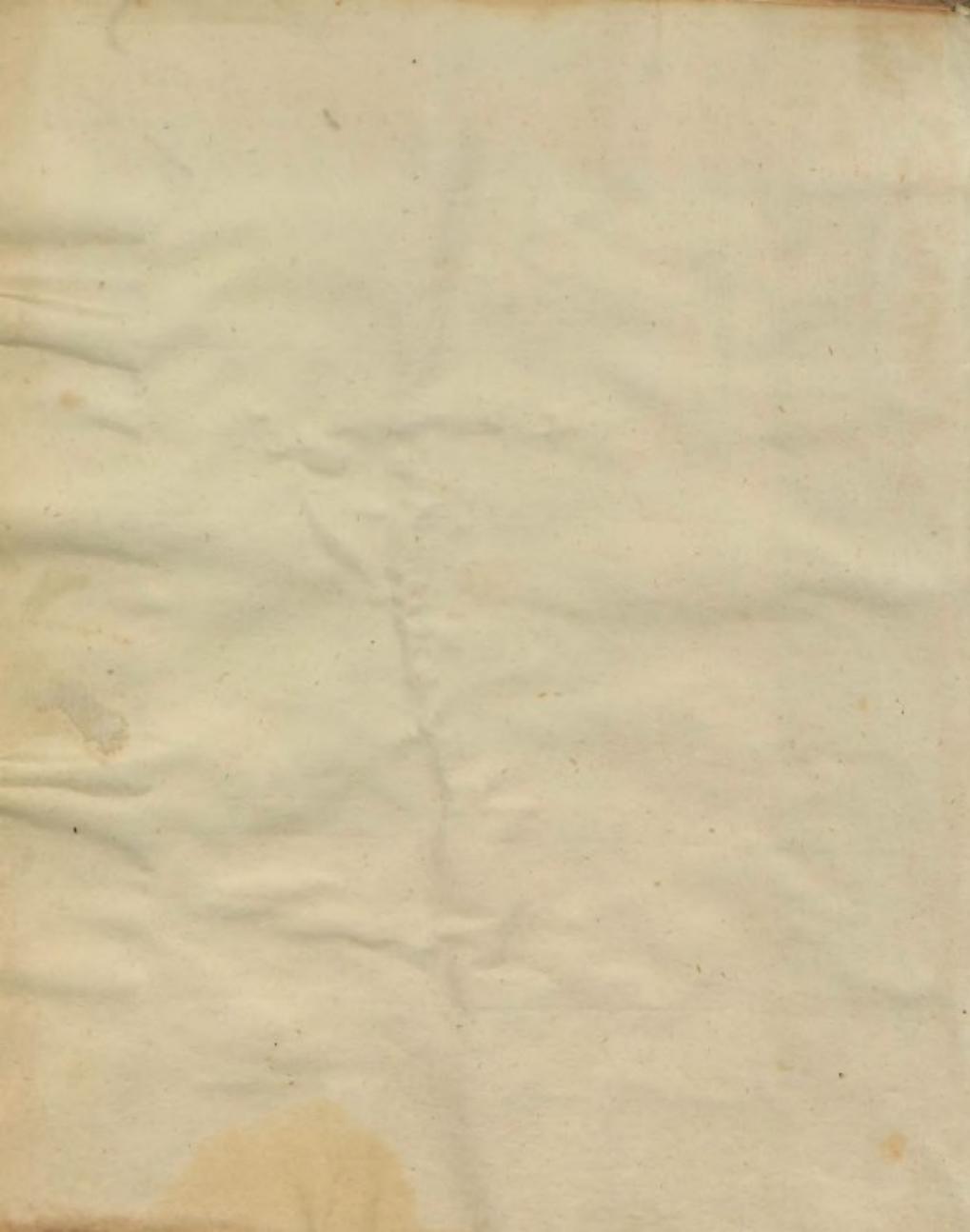
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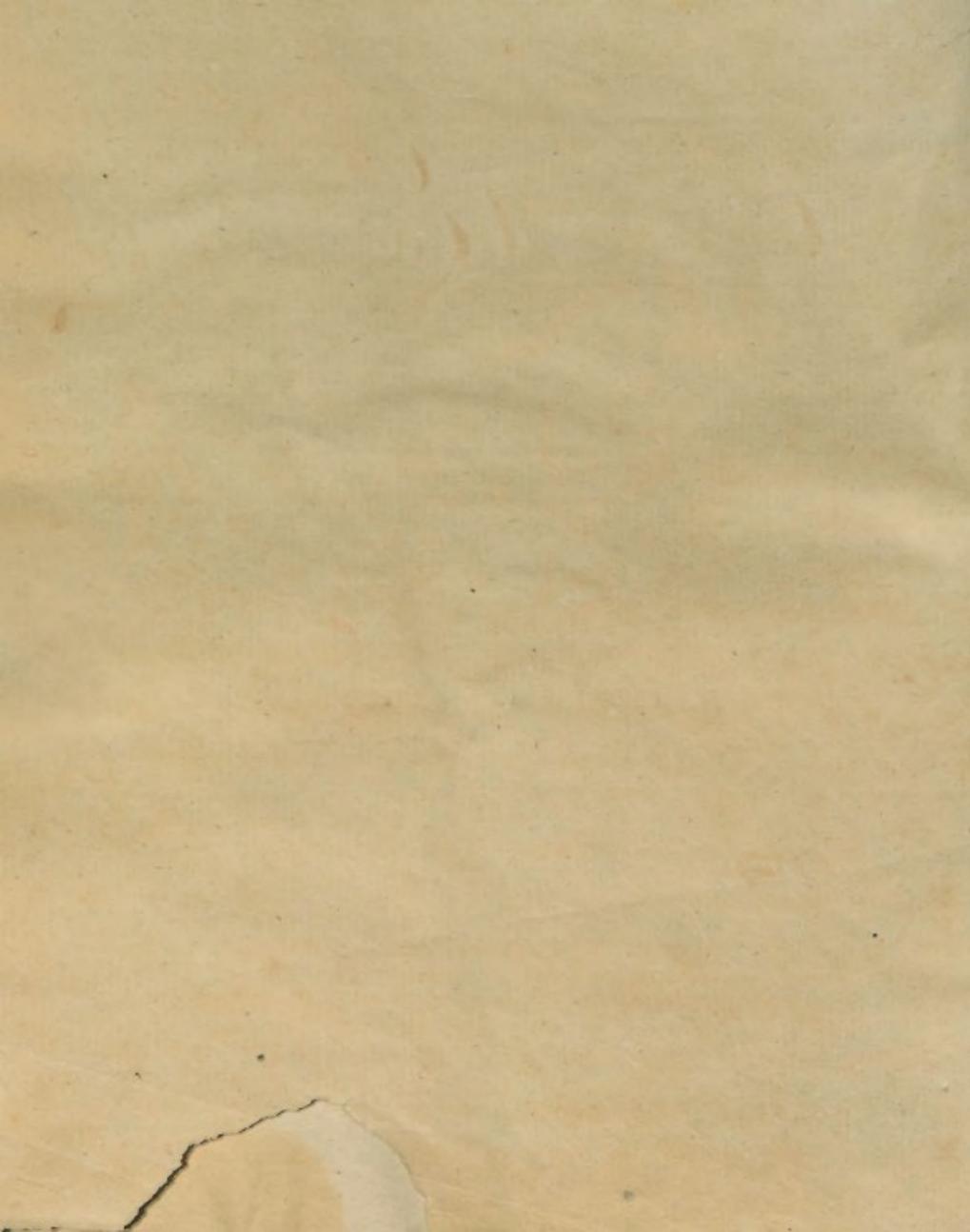
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Lecture 133  
Washingtonburgh March 18<sup>th</sup> 1789.

# Of Economics.

We come now to a tract of what some call the adventurous states of mankind viz 1<sup>st</sup> the domestic & then political state which however may be denominated natural as well as the other because men were made for society call mankind except the first never their existence in the domestic state. We same surely always introduce the political state which to all mankind is as natural as the other way man being born in some political family as well as he is born a member of a certain family Economics describes the nature laws & duties of families or domestic society. Man considered as an animal was destined to continue his species as well as the others but as the propagation of species & many other peculiarities operationally distinguish him from all the other species of animals it will easily be found that he cannot continue his species in <sup>manner</sup> <sup>as the</sup> brute the principle of sexual-

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attraction which is the enticement to propagation provided  
by nature is on Brutes merely a temporary  
e in many species annual coinciding with a particular  
season of the year when it has served its purpose it immu-  
nably ceases at least after the young can shift for themselves  
e in some species before that period the breeding pair know  
no further attachment to each other & become strangers.  
but as by the law of nature the infancy a helpless state  
of man is of long continuance & necessarily requires the  
help of both Parents of the principle that brought man  
kind together were of no more strength & continuance  
than it is in Brutes. & the young in most cases  
young in most cases would perish for want e the few  
that survived would have a multiplicity of difficulties  
to combat in their tender age without protection & assis-  
tance while the powers of their nature were but imperfectly  
unfolded & their reason too weak to be of any use to them  
The consequence in that would be that all the human  
progeny would die sooner or later before arriving at the  
year of maturity & the whole species would be extirpated  
at the end of one age but nature which does nothing in  
vain e which provides for all her offspring according  
to their respective her ordered matters quite differently  
in this particular w<sup>t</sup> regard to the human species in y<sup>r</sup>

The principle of sexual attraction is not only strong & <sup>vigorous & tending to</sup> to form a lasting connection being complicated with reason & judgment & sealed with the solemnity of a vow & contract but it is likewise permanent & uniform not confined to any season of the year or indeed to any period of life now the strength & permanency of this principle in the human species clearly indicates a different distinction of nature w<sup>t</sup> regard to them & the others & the difference of distinction is morally suited to the nature situation & exigencies of each. The impotency of the powers of Nature render them incapable of permanent & lasting connection & if such were necessary to the propagation of their offspring it would be impossible for them to arrive at maturity for this reason their helpless state & but of short ~~time~~ of short continuance & they come in a little time to the enjoyment of all the powers of their nature but th. esp. being so vastly different with regard to man the principle of union is accordingly made more vigorous & durable in the human species being connected w<sup>t</sup> reason & judgment & with the laws of honor & justice be-  
sides the nature of man who constituted y<sup>e</sup> even in the most igno-  
rant & savage state he feels the force ~~of~~ force of this principle so far as to endeavor to do it in most cases  
so as to continue his race jointly to neirth e himself

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them in their tender years. The union of the  
Sexes which in Brutes depend upon principles con-  
tently temporary & superficial is therefore by the distinction  
of Nature connected with moral instruments. A relation  
in the human species Marriage is therefore the first  
human society & the foundation of all others & consists  
in the voluntary ~~down~~ conjunction of an individ-  
ual of each sex for the purpose of mutual happiness &  
comfort with a view to the propagation & education  
of children now & for the ease of the human species  
being necessarily the work of long time a temporary con-  
junction will not accomplish them Marriage is defined in  
the Roman Law "conjunctio viri et mulieris"

a temporary or a transient appetite — or an union  
formed on such artifices could never therefore compass  
the subsistence & preservation of the species of the human species  
or through a long & helpless infancy many art & con-  
tinuation as well as much strength delecting patience  
existing an insuperable nursery for this purpose  
to think of accomplishing it by different means  
is only shewing our ignorance of human nature

Accordingly it has been found by experience that even political institutions adopted by civil rulers whether from principles of charity or benevolence are wholly inadequate & insufficient to supply the want of parental care.

Surrounding Hospitals are only burying  
or burying places in which infants remain a short time above ground before they are buried so we may say of the last of these what the Vox in the folle says of the den of the foxes

"Quia

"me vestigia tenet annua & ad uersum spectantia  
nulla rebor sum". Multitudes are daily carried to them but few come out alive or ever arrive at maturity before the progeny of transport & casual immunities among infidels without parental attachment have no motive to gain a character regardless whatever whom it is of importance to them to please others having no motives of duty become naturally the slaves of self & appetite & of the few bastards that are not hardened in cradles the greater part are cut off by the hand of justice so that surely is neither injured nor benefited by children propagated in this manner calculated that out of 20 bastards that are born from one to 3 years of age scarce one in 30 ever arrives at maturity being taken with quicke hands by their parents

as the monuments of their inconstancy & folly or forsoaking  
altogether even a abandoned to the cold embrace of  
common charity. The greater part are starved in  
and unattended while they live & unburied even  
when they die on the contrary legitimate children  
a living pledge of the mutual love honor & fidelity of  
their parents are嘘嘘 by them with pleasure & tender  
sympathy & with the first dawning of sensibility are  
brought in their part to disown & return the fondness of paren-  
tal fondness in the fear of their mothers & fathers  
"Intra parva per rupi deponere matrem

Forget who studies nation so exactly was exceedingly  
well aware that the affection & care of Parents were abso-  
lutely necessary for the education — of children & therefore  
unanimous to augur that no child born or when their parents  
had not founded ~~any~~ <sup>any</sup> bastards the offspring of va-  
grant left & transient connection would ever make a  
beginning or be esteemed in the world accordingly annexed  
hastily, furnishes us with numerous examples of persons who  
have been born by their own bastards, least of exceeding fine  
of it first —————— that were created at home &  
despised even in those nations where concubinage was allow-

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to a bastard, mirthed with a degree of tenderness  
in after times may even in Spain when before may in  
hurt by law & humblings are

few that come to maturity  
of full power to distinction or usefulness. Who can & attention  
as well as the affection of both parents is necessary to the  
advancement & proper education of their offspring that no future  
danger whatever can be found fit to suggest it plain when  
one of one or both parents is wanting accordingly marriage  
<sup>is a natural</sup> ~~is~~ <sup>is</sup> the actual continuance of the human power to the  
present time is a proof that it must have been from the begin-  
ning There is no probability from history or tradition that  
any tribe of men ever lived & propagated like the people of  
the first a State however to which all our modern insects have  
evidently labored to reduce all mankind notwithstanding  
of protection to humanity — — a Benevolence but  
forsaking them was a pale incident marriage was offe-  
niced

onately propely & plentifully & the race of mankind  
must consist altogether when lawful connubium neglected  
expunge honor & undistinguishing lust indulged the Monks  
by the 1<sup>st</sup> of August the 1<sup>st</sup> were become a nation of debauched &  
bawdy Bachelors for the most part with numerous trifling  
connubia in they formed — — neither under the ament  
the afflictions nor to encrash the numbers of society  
Augustus therefore made laws for encouraging matrimony

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the Roman Nation would have  
been far exasperated if the number of their citizens had not  
been increased by the manumission of Slaves. The communica-  
tion of the right of Citizenship to foreign nations re-  
~~in~~ There was so many of them, & such a  
number made citizens of Rome by the Emperor Claudius  
that since a people that were only a very few of those  
nations that were not Roman citizens, or as the business  
of hunting Sturgeons, or Lagasas was become a common  
trade in the in the ~~first~~ time of Augustus the number  
of unarmed people must have been very consider-  
able. Europe is said by some to have established the institu-  
tion of

leader of the Colony that  
founded Athens he only discouraged Polygamy to which  
he abominated as coming from the east had been formerly

Polygamy is evidently an abuse of  
marriage & an effect of licentiousness as well as that  
Polygamy exempted only the female Sex that fall short in  
the East. We probable that Polygamy was introduced into the  
world before polygamy became common & that the last of  
this word conseqvence of the first as the story of Lamech  
two wives is mentioned in a singularly even in the race of Cain. After men began

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In equal violence against one another it is probable that  
the male Sex being entirely debilitated would fall into  
that Slavery from which on their part of the world in  
they have never yet been freed besides Polygamy has never yet  
any country restrained the institution of Eunachism a violation  
of the natural rights of mankind which was  
found necessary for the suppression of it one error naturally  
leads to another thus Slavery & Eunachism accompanied Polyga-  
-my & encouragement in all the other nations and finally  
it is to the dan juxtaposed by a constant violation of the  
rights of man in one sex altogether conquant num-  
bers of the other —————— +

Lelwell 134 Friday 20<sup>th</sup> of March 1892.

Monogamy or the union of one of each in the infestation  
of nature & cannot be generally violated in any country with-  
out other violations of natural rights accompanying it. —  
The violation of it — Population has uniformly languished  
wherever Polygamy was established & in all nations where it  
prevails an artificial recruit or annual impulsion of inhabitants  
has always been found necessary. Accordingly —  
— the Turkish Empire is annually recruited by  
great numbers from Poland, Lithuania, Servia & Georgia  
in the East & Persia imports them as an annual supply  
of people from the same countries when Temulus at first

affected his band of cow stealers & robbers with hi  
a syphilis he soon found that they could last but one  
age having no males among them that they were  
a perpetually decreasing race. Herodotus therefore  
he provided them with wives by the ruse of the Galian  
virgins an expedient natural enough for those who had  
got all they had by robbing at the same time. This ex-  
pedient indicated the great crudity of these people @ the  
all infatuation that they had among other neighbours.  
Polygamy being one introduced by Tyranny uncon-  
trolled by custom another sort of Tyranny @ men of  
wealth in the pastoral ages obtained a plurality of wives  
being married by their wealth to support them @ this is now  
but as the number of males & females that are produced  
have always been so nearly equal to each other it has  
never been in the power of men to render Polygamy un-  
useful even in those countries where the importation of  
female slaves is a common trade. The far greater  
part of mankind from antiquity if not from choice having  
uniformly adhered to the original institution of nature  
as by all the calculations of the numbers of mankind  
that have yet been made about 10 females are born

onto the world for every 19 males which under Polygamy imperious for want of a sufficient number of females the males sex being exposed to extraordinary ravages & destruction how ever navigation & peaceful dredging from which the female are exempted is accordingly produced by nature in greater numbers than the other sex yet this excess of the number of males above that of females is so small that it manifestly intended an equality of number in each sex Universal Polygamy is therefore so far from being the intention of nature that nation has rendered it absolutely impracticable & of the male sex were no liable to extraordinary diminutions from the causes already mentioned one man out of every 19 would uniformly be obliged to live single for absolute want of a mate so far as it stands being practicable or from being the intention of nature that one male should have several females. Savage countries polygamy only in proportion to that mean of polygamy & to the prevalence of the institution of slavery among them but even siccago for the most part practice monogamy in obedience to the intention of nature as well as all nations that are properly in a civilized state. The cir-

unfortunate on which mankind are born must necessarily  
be of the highest importance to them not only  
with regard to their education but likewise to the principles  
of views with which they set out in life. The  
improvement of human nature can so many that  
even in the most advantageous circumstances without all  
the help of good education & example it is very difficult  
to make them to the perfect of virtue & excellence -  
what therefore must be the case when they are educated  
in the lowest & most vicious habits & have never any  
at the sumpt of a good example. The strongest con-  
straint & violence & the severe discipline of a ship  
of war have often been found necessary to give some ideas  
of order to those youths who have been spoilt by neglect  
& by excessive indulgence by the roman law a bastard  
was declared to be filius nullius & he was not subject  
to the power of his parents as other children were not even  
he obliged to maintain them if they fell into indigence  
though he were well able to do so a bastard likewise  
could not inherit even by the will of the father to the  
prejudice of his collateral heirs & could only receive a  
legacy in common with a stranger. all nations where

property & laws & punishment are established ex  
apt pain in form inflatus ground by the same rule  
without malummal fidelity no man will have any  
certain knowledge of his own origin which knowledge  
however is absolutely necessary to exist in humani  
e affliction Polygamy therefore cannot be the intention  
of nature hath taught it a practicabilit for the whole  
human & Schwartz because if it was

both  
sexes would have an equal title to the benefit of it the  
males can get no right except that of violence to inter-  
fere several females confined by their <sup>by</sup> tyrany & contended  
to share only their transient & divided favors while the  
females have no liberty of choosing one in marriage —  
besides polygamy moderately produces infidelity which begat  
jealousy & made way for Gynastrophie vast multitudes of  
wretched slaves were mohilated in early youth in order to  
watch over the female of a zealous despot & such as  
watching the indiscretions of nature were considered a most  
foul & faithful servants living wholly devoted to their masters  
they were commonly entrusted by the persian monarchs with  
the most important affairs & seated in all the courts of  
the East as well as those of the Roman Emperor in  
the dominions of the Empire they were commonly the

quarter of their masters & their power should be pur-  
chased with money by way one who had any favors to  
ask at our Plat<sup>o</sup> in framing the idea —  
of a perfect government proposed that all the women should  
be committed to all the males in order to be amalgamated to  
prevent jealousies quarrels & competition, but Plato is  
not the only Philosopher who has endeavoured to contradict  
the maxims of nature in order to support the errors of  
a most wicked system. The members of Plato's com-  
monwealth intended to have two Brutes, in order to have  
submitted to them — institutions the prin-  
ciples of nature as well as those of friendship  
& honor must be wholly extirp'd before men consider  
nothing except difference of sex in the person to whom  
they are united even the most abandoned debauchees  
who have done their utmost by permission of  
the study of unfeild authors to destroy the sentiments of  
nature in themselves have not in planting never been able  
totally to extinguish the sentiments of delicacy & propriety  
in themselves nor to infect respecting them  
in others. It was Mr. Burne who said that female infi-  
nitely when known was a small matter & when unknown  
was nothing yet of any one had informed that his mother  
or sister or any other female relation were common

wherever even he wrote have confidened it at the highest  
affront the fact is that these impolit writers neither  
do nor can believe those absurdities which they pub-  
lish to the world they make laws which they pretend  
to be the laws of nature for the benefit of themselves  
other friends only but never intend or can ordain that  
these should retain the same liberty as that enjoyed by  
them indeed we have a right from nature to live like  
the beasts of the forest by robbing or seducing all  
the females that come in their way but at the same  
time they expect that their own wives should be chaste  
that their daughters should be educated in principles  
of virtue & decency which a proportionately absurd if  
there were any truth in their principles or even if they  
believed them to be true the real practice & remaining  
feelings of these men which they themselves have been un-  
able to conquer by profligacy & infidelity afford the  
most substantial contradiction of their professed prin-  
ciples & opinion they teach openly that marriage is  
a violation of the right of nature & the right of prop-  
erty & government & that the union of the two sexes  
ought to be subject to no laws except those of

mutual comfort but if any person should take  
the liberty of such a party their very same doctrine to  
any of these female relations they would challenge them  
to a duel & that there are an enemy to the most  
right & peace of society though he was only follow-  
ing this our excepted direction a example Plato seems  
to have excepted that all the children that were pro-  
duced from the transient & unimpassioned connubium of  
the members of his bestial Republick would be now-  
nurished & educated by the joint labours & care of the  
whole community from men revenue to the Laws &  
that each of the children of the publick would find a  
father in every member of it as he could not know  
that he was not his own. What where is the man who  
would acknowledge such indifference or who would con-  
sent to labour for the support of a multitude of children  
in whom he knew of no property that he had more than  
all others? many men find difficulty enough to comply  
with the calls of nature in laboring for their own acknowl-  
edged progeny can often avoid my negligent perfor-  
ming that duty least what would be the eas. if they  
had reason to think that those children whom they  
labored to support were none of their own.

Nature has not left the propagation & education  
of the human species to <sup>funerary obligation</sup> full & political  
institutions but has much more firmly grounded for  
it by the passions & the very constitution of the nature  
of every individual so that even the most debased  
& abandoned men as has been shewn already are  
nearly fully able to graduate their original feelings.  
We are told by Justin that during the Messenian  
war when the Spartans were detained many years  
from their wives they sent home a large party of  
young men to whom they delivered up all their wo-  
men promiscuously in order to continue the race of  
Spartan citizen. This was a triumph of policy over na-  
ture which happened only once but nature triumphed  
in its turn notwithstanding that the Spartans  
are represented by some writers as not far from Plato's  
sentiment on this subject the children that were produc-  
ed by these eager & promiscuous connexions were now  
reared with care by their mothers in obedience of  
their husband, by whose command they had produced  
them but when the husband was returned from the  
war they cast not with paternal solicitude these ba-  
bies though together by their own express desire.

but drew them out of the country to seek a settlement for themselves accordingly they marched into Italy and the conduct of Pha when they founded Tarantum - Some writers have represented the Spartans as having their women in common according to Plato's inscription because they ordered <sup>children</sup> to be educated in the public but their well known history & the exactness of genealogies in Sparta will even that Plato <sup>probably</sup> erred in the vanity of such traditions. our modern infidels writers are very zealous to have it believed that the ancient lived in a licentious & abandoned manner a thing so them after & therefore whatever we find on this writer should be carefully compared with original authors. Plato imagined that all the mischiefs occasioned by avarice & from men having a regard to one family would be obviated by the community of women & the uncertainty of their issue but he did not consider that human nature behaved to be mortified or mad over again after a new model before such an infatuation could be reduced to practice

# Lecture 135 March the 20<sup>th</sup> 1809.

Project of Policy that should shew the feelings of human nature might be he made with otherwise such as we consider the circumstances. It is not to be wondered at that Dyo-misir the Tyrant of Sicily through his humanity could not in any great difficulty refuse to grant Plato any city of his dominions or any island in the Mediterranean sea in order to realize his favorite project. This Tyrant had probably info enough to discover that Platons Phormion was entirely independent with human feelings & that it would have only perplexing a part of his projects to have granted his request no law or execution whatever unto have such influence a founder person who an emulsion of their offspring & consequently in that natural situation in the last situation to take care of the young & feeble Peopleny a state to dompt the happiness & mutual affection & in doing not only upon the nature of the thing but from the history of all ages we may only refer to the families of Jacob & in the Holy Scripture. The example of the two wives of abraham cannot be pleaded in

As far as I understand the Polygamy in that though encouraged by the world soon come to be an end at least when the mistakes of the Elector of Saxony in the days of Clodion that of Lewis impotens & that of the Polish King of Sigismund an heretical name from which no general inference can be adduced but it is universally agreed that the Harmonies & happiness of the East are the abode of more dependent subjects by tyranny & misery. The numerous examples given in Monogamy are still as may be avoided by a prudent choice or rendered by ordinance of nature but those from Polygamy arise from the very nature of things & are fatal to the welfare of constantly as well as to the happiness of the marriage state "The first law of the matrimonial society is that the woman be faithful to <sup>the man above compare</sup> with no other." It must evidently be the greatest injury even to himself upon a man on adultery a person offering to recruit his estate & to object of that affection which is due only to his own spouse. The 2<sup>d</sup> law is that the husband should be equally just & kind to the wife and it is directly contrary to natural equity that the

wife conjugal affection call her care & fortune  
that she entirely devoted to one man & her off-  
spring while the affection of the husband an inter-  
rupted by a supposed among several women &  
their children to his former in like manner those  
men therefore who practice Polygamy not only injure  
their wives by making a very unequal return for  
the affection which they demand of them but they  
also injure other men whom they deprive of their  
natural right of having mates by intercepting a num-  
ber to themselves. Mr. Polygamists wife very ill  
compel that own case because a man may be very  
fit to govern a very large state whereunto notwithstanding  
she quite unable to compose the quarrel even  
of two contentious women who had each an equal  
right to his resolution & affection Solomon who was in  
general the wisest of men was neither wife nor hap-  
py in the article of marriage out of a thousand men if  
one fit or otherwise he had before not in like manner  
nor was it repell. That it could have been otherwise accord-  
ingly he is very eloquent upon the subject of tracting &  
contentious women & concludes that it were better to leave

dwelt on & undervis'd to be plagued w<sup>t</sup>om of them  
e it's probable that he did not need to go farther  
than his own family for the original frost about his  
W<sup>t</sup> 3<sup>o</sup> Law of th<sup>t</sup> title of matrimony that married  
persons shou'd by a perpetuall unio[n] of Intercourse purfet  
confolly good of their family & chiefly th<sup>t</sup> right education  
of their common children & the improving their condition as  
they had opportunity. Th<sup>t</sup> union of spouses entitl<sup>s</sup> tho  
& night, whether compleated by th<sup>t</sup> matrimonial rela-  
tion I suppose a convenient shift of purpose to the married  
couple w<sup>t</sup> the intent of their family in which their  
common welfare & reputation is comprehend<sup>d</sup>. Mar-  
ried persons shou'd have no separate interests. Th<sup>t</sup> law  
considers them as one person or <sup>each</sup> deeds of<sup>r</sup> & binding on th<sup>t</sup>  
other. Th<sup>t</sup> 4<sup>th</sup> Law of th<sup>t</sup> matrimonial state is that  
the wife shou'd be subject to the authority of her husband  
with whom she has slighted her faith. Th<sup>t</sup> marriage  
state cannot be effected in th<sup>t</sup> form of a free right  
but must have a decided authority & determine  
differences in opinion. It must therefore be a monar-  
chy of timely & gentle hand as the monarch indep<sup>t</sup>  
univ<sup>r</sup> in th<sup>t</sup> house intent<sup>t</sup> & reputation of th<sup>t</sup> subject  
of th<sup>t</sup> a maternally interdicted in her will<sup>r</sup> an<sup>r</sup> reputation  
W<sup>t</sup> Therefore erroneously imagined that no proper

power or right of commanding is vested by the law  
of nature in any of the parties & that such a pow-  
er would be opposite to that tender affection which is the  
fancy & spirit of matrimony but he does not con-  
sider that no family whatever small or great can  
exist or be governed without a superior power other-  
wise differences will be perpetual & all happiness  
perfectly staid still an attempt indeed was made  
on this country to unite 13 sovereign states in one  
confederacy without any or commanding  
power whatever the congress having only the power of re-  
commendation but experience has demonstrated that  
the plan was supposititious, bigoted irrational & unphilip  
the diffusion of all foreign & now also of our soldiers. Many  
of the proprietors of this wonderful confederacy have lived  
at first in this air familiarly reflecting Mr. Hutchinson's  
plan & reasoning all power command over their wives  
they might perhaps have come to be convinced very  
soon that their plan was irrational & defective &  
could not stand one single question what indeed has  
been the last reason has caused the man for an-  
thirty & being born of undied worth tending of &c w.  
out for the female sex & particularly for the person

whoever our own choice he must be the fittest person  
to govern Council & recommend me on the matter of  
the wife but full in a confidence with husband  
the authority of the husband & the off'g of wife  
will accompanied with genuine tenderness &  
submission will give her a sufficient share in the  
government of the family Some women by using their  
means in an artful manner have governed their  
husbands all their lives without ever letting in them  
know of it If a husband is perfid of magnanimity  
& a lover of justice & true Monarclia he will shew  
to queen mostly by persuasion & not another way  
authority except in case of extremity Some wives yield  
to their husbands with yst all a grace & worth so much  
regarding & lament alone as obliges the husband for  
own sake often to wish that borders a permit to the  
wife instruction that she may be kept in good  
humor such women abuse their <sup>prosperity</sup> & invert the  
order of nature by murmuring at lawfull authority  
& obliging their husbands to submit to their will for  
part of their bad humor I journal in his first par-  
ticular has given terrible pictures of wives of the descripti-  
on The authority of the husband may be -

maintained in a perfect consistency with tenderness &  
friendship to enable me in your relation. Besides as far as  
matter of property it needs no care. Then next  
is a daughter & gives me power in every Party otherwise  
it must come to an end in the very first difference of opi-  
nion. That latter place among the members & even Mr.  
Whetherson is obliged to own — — — that the law  
of a family without the being generally most  
important or most proper for the man & that all con-  
cerns within doors ought to be left to the management  
of the wife but a divided sovereignty is as disagreeable —  
as one man as a separated one. Would be found to be  
extremely bad for two independent person powers to  
live alternately in one another's dominions & especially  
often over when it would be exceeding difficult to mark  
distinct limit between them to the satisfaction of each  
party especially when there was no judge to decide the  
matter. It is truly a lamenting that a son of H:  
Kirkfon, <sup>known</sup> abolitionist should not have been aware of  
his own contributing <sup>matrimonial jars</sup> so much to make a difference prop-  
rietary & annual by removing all possibility of dividing  
them of his decision. Should have been adapted. It is very  
happy indeed that most married women do not com-  
monly read systems of philosophy off Mr. Kirkfon

would be free of having all the women at least on  
his side & most sanguinely attack his system -  
a Bergman of very simple manners who stately has  
accused Mr. Hutchinson in exciting a country couple to their  
duty upon occasion of their marriage more than a  
30 years ago happened to adopt his system without  
mentioning it & being a lover of justice he took  
occasion to tell them that the party which had most  
uniformly ought uniformly to govern & the party who  
had left ought always to almost stoltz easier how-  
ever acquainted in this condition each managing that  
they were the <sup>them they have every side</sup> ~~either~~ of the two but as that power was  
not fixed at <sup>any</sup> ~~any~~ time disputing what either or the ~~either~~  
but possibly have not yet been able to determine the mat-  
ter neither of them however were much obliged to their in-  
tention who ought to have told them that the man -  
be bound to govern an established & decided authority  
therefore is necessary in every family to determine differences  
to prevent <sup>quarrels</sup> from being perpetual we shall see by & by  
that this is a good a political as it is a good economical  
maxim Theodore is well suggested by Bradwup a hus-  
band will meet with more respect from his wife when  
she know that he is more valuable than when his  
importunity can make him do what she pleases  
accordingly in the earliest age when husband maintain-

ed their gravity & authority there were never thought  
of them but in the modern age of complaisance &  
gallantry the master is become much more delicate &  
wiser an less apt to yield we find in the history of  
monarchical governments that the most  
condescending prince have uniformly been well  
served & those who acted with rigor commonly  
found a ready compliance with their orders. The  
same observation may sometimes be applied to pa-  
rents mankind as well as woman kind are more tied by  
fear & tenderness much less influenced by gratitude than  
they ought to be on the other hand an overstrained  
authority extinguishes all respect as too much familiar-  
ity & contumacy often breed contempt. We very dif-  
ficult in many cases to find the exact middle between  
these dangerous extremes when a husband only suffers  
the authority to be despotic it is not very probable that  
he will persevere so much longer. Some wives are apt to abuse  
their right of unresistance & against all good manners  
can hardly be argued cases over again that have been  
already decided using they of their law when this is the  
case the husband has little prospect of peace & his  
authority is at an end for ever so when he cannot  
impress his wife or her fulcrum he may expect Solomons

unusual dropping & that she will now have  
done telling him his faults as long as he livz a Roman  
Catholic & suppose one of his a married man his penitent  
why he has so often beaten his wife I have observed  
says the Philanthropist all your descriptions of late that  
she is always your last article & that he neglects the  
penitent I am extremely apt to forget my sins but when  
over I beat my wife till it tells me them all over distinctly  
then I immediately hurry away to confession be-  
fore they get out out of my head again Matrono-  
rial Friends are like fadion in a state they threat-  
an anarchy and extinction of all of authority &  
when they are found to lack they bring with affliction  
a punishment to all the duties & all the pleasure of  
the matrimonial state a married couple in London ha-  
ving been for some time in this way & being yet young  
were willing to put an end to their daily disputes tho'  
it were by way of lottery if they might have a present of  
quarter days for future life after much mirth had been prospered a judged they a-  
greed at last to go & have dinner at the nearest church  
The minister of religion with wife acquainted with &  
that they should be Hebrews by what he observed  
in his former of they found it relate to their case they  
went accordingly to y'or parishes having a ches in <sup>a</sup> text contain-  
ing the duties of married persons handled it in such a man-

more as was not John Yerbury & another of them. The man imagined that the <sup>sixty</sup> ~~sixty~~ way acquainted with the master or he had kept some of them & meant on purpose to condemn his conduct & justify his own as the wife was not so firmly convinced that the husband was greatly acquainted with him & had got him to speak that forenoon against his mother of p. However Henry Purshor another would go to the other by way of a left ducken they agreed to open the book of common prayer ~~the~~ at random & be determined by first sentence of how to <sup>use of eye</sup> whether their differences were over to be ended or not but unluckily the passage happened to be the end of the Doxology <sup>as it was in the beginning</sup> so it is now & so it shall the forever more what matters were as bad as ever -

Lecture 136<sup>th</sup> Monday the 23<sup>d</sup> of March 1809.

The fifth law of the matrimonial family is that the bond be perpetual to end only by death. This is absolutely necessary in order to make matrimony a state of friendship as well as general for the right education of children who are principally born for a considerable part of life & this lasting duty or charge is imposed by nature on both the parents of the same & not original the most impracticable consequence must naturally be expected fraudulent marriages

riage would be made with a previous design of breaking  
the contract. The Parties would be rendered incapable  
of the female partner at least would have their misery complicated  
by being incapable of acquiring new connections. Children would  
be neglected or abused by the inattention of one father or mo-  
ther, or might be disappointed of the inheritance of their parents  
by leaving them in their tender age may children might be  
fate often be want legal Parents altogether by their be-  
ing born at such a time when it was entirely doubtful to  
which Parent they properly belonged. Leftful & capri-  
cious men & women would be constantly eager for new matches  
quitting their former partners with a little regard as one  
would do a pair of old shoes to put on new ones. In short  
almost as many inconveniences would result from this me-  
thod as from the abolition of matrimony altogether. On the  
other hand Sir, that an joined in a perpetual bond ha-  
ving no other prospect in view than that of continuing to-  
gether for life these differences are rendered much less violent  
& reconciliation far easier produced but if the way were al-  
ways open for a separation every difference might be fatal  
to their union & quarrels might be prolonged on purpose  
by designing parties in order to bring about a separation

The Roman Catholick have endeavoured to confer all  
possible solemnity on the marriage contract by mar-  
rying it one of the sacraments of their Church & deeming  
it indissoluble except by death or by a divorce obtain-  
ed upon just & canonical grounds. When Mr. Pope  
had heard that his friend Mr. Wickliffe had married  
his own wife before his death bed after having ren-  
ounced the sacrament of extreme unction he congratula-  
ted him in a letter which is still extant on his exalt-  
ation to the rule of the catholic church whether  
the renunciation of the sacrament in their  
first class matrimony in the last place after extreme  
unction as a hint according to him of the proper order  
in which these sacraments ought to be took but  
Mr. Pope himself did not even take it on the order  
for he died a Bachelor — Divorce was indeed  
indulged to the Jews in order to prevent the women from  
the fatal effect of the adulterous tempers of their husbands  
accordingly we see in the new testament that the  
power of divorce was permitted them on account of  
the hardness of their hearts & not that it was agreeable  
~~to the law of God~~

to the law of nature or conform'd to <sup>institution</sup> original  
matrimony. The歟歟e time & temper of the Jewish nation  
makes a very impious opinion bin all the parts  
of their history. In the verij small country which  
they inhabit'd they made no less than 2 cities of  
refuge for them who had slain their neighbours  
in sudden passion & if they had not been allowed  
to do so their wives when angry wth them perhaps  
wou'd not have had sufficient  
for them the bloody designs of the son of Jacob against  
Joseph that were founded only on a ~~dream~~ dream  
& his change to them afterwards not to fall out by  
the way the stern cruelty of Simon & Levi the chief  
priests & ~~excommunicating~~ war with the tribe of Ben-  
jamin was the whole of the Jewish history to witness  
of the rage & destruction of Jerusalem witness that  
whole & mutual resentment. No man nor be any  
thing that we finde among us nations. Milton in  
his Tetra horizon endeavours to establish incompatibility  
of honor in the parties as a valid ground of divorce  
& being an ingenious & learned man he was able  
to adduce many sound arguments in support of

her opinion but her Book was very ill received  
by the publick of which he complains very bitterly  
in an Epigram among his poetical works. The  
reason why the Book was not well received was  
not only the number of which indeed were  
had enough but Wellins political principle had ha-  
ving taken part for the uperation & opposed as  
Laten secretary to Cromwell but what perhaps had  
more weight than all this was the very origin  
of the publication. The author had divorced his wife  
when Boston was only a dozen days conduct in  
doing so. Incompatibility of humor is one of those  
diseases that ought to be discovered before mar-  
riage or if it has been concealed <sup>for</sup> that time the am-  
plient management continued after marriage  
ought to have the like effect as it worth any one  
pains for the sake of domesitick peace to agree in their  
own humor at least as well as they did before  
marriage voluntary offspring may produce or im-  
itate natural incompatibility of humor & pride  
a refinement may often have the like effect. He  
that the cause of divorce would be multiplied

on admitting the force of Mallets Argument  
that no marriage whatever could be of any continuall  
or a wicked man or woman might be divorced  
when they pleased subjects divorced by  
both parties would likewise - abundantly of all  
others an most persons as well as most likely  
to growall no view of temporis can be push'd so far  
as to amount to an Error personae which on the opinion  
of all lawyers & casuists sufficient to void a  
marriage contract. If any of the parties before  
marriage give a false account of their name  
family or affections this voids the contract upon  
the fact of fraud & makes a difference of the  
person. The party who is deceived & contented may  
indeed purge this malitia but if the offended party  
will not doore it cannot lawfully denied our mo-  
dern infidel writers who in every particular marriage  
are unmerciful of manners contenting negligibly  
for divorce being made easy or that marriage  
contracts shoule be made only for a short time. In  
this no doubt they infill the wills of party

as much as when they condemn marriage altogether  
but in no higher degree we have hinted already at  
some of the inconveniences that must necessarily follow  
on the arbitrary dissolution of the marriage contract  
which we need not now resume. In forming gener-  
al rules the common interest of society & of happiness of its  
greater number is certainly to be consulted & although  
some particular person should thereby be exposed to great  
unhappiness it is much better that they should endure  
it patiently than that the happiness & security of the whole  
society should be overturned for their particular case & con-  
venience the interest a education of children the honor  
of families & the law of property do especially require that  
the contract should be for life whatever inconveniences  
may take place in a few particular cases the contrac-  
tion of this kind, as before hinted tends to mo-  
derate the passion, & differences of Parties & when  
a contract is to be made Prudence requires that  
all the possible inconveniences of it should be  
weighed before hand, but not that contracts should  
be broken on account of inconveniences that ought  
to have been foreseen & provided against the law -

imposes upon none as every one enters into this  
bond with a full knowledge of its nature &  
duration & if they enter into it understandingly it  
is only their own fault It is a wise maxim  
in the Roman Law "Nulla impudent matr  
minum contrahendum esse non debet contract  
sum" After the Bumping of the parties before  
entering into the matrimonial contract to disco  
ver & weigh every circumstance that is of impor  
tance to them & to be prepared against all possi  
ble consequences the law only maintains the  
family & obligation of the contract & binds  
the parties to keep it up in those cases in  
which the law itself has declared that the con  
tract shall be set aside but with regard to those  
consequences which it was the Bumping of the  
parties to provide against the law requires the  
knowledge this want of Prudence & will afford you  
no relief The impediments of marriage  
are either such as are deemed to make the con

trust at first void or which makes it void  
after its insertion into Some of these are natural  
or form of a moral kind The first natural  
or legal impediment of marriage is poverty or in-  
ability which renders one party unfit for procreation & this  
despite of such a hind or cannot be discovered  
by the parties before the marriage the law of all  
countries in conformity to natural justice unfor-  
tunately a divorce as soon as that is proved be-  
tween as soon as fraud constituting injuries through  
which these intervene in the making of a mar-  
riage contract they are just reasons of divorce  
based upon any change that a mariage or  
both parties to know & which if known would have  
been a legal impediment is concealed by any of them  
will after marriage this as soon  
as it comes to be known renders the marriage void  
a fraud but ab initio & consequently is a legal  
cause of divorce so shall afterwards have an oppor-  
tunity of making of contracts made by some  
certain persons disorders or insatiable & inura-

ble defective that are inconsistent with a fruitley  
society & exclude all hope of any offspring that  
can be expected to live or flourish properly reckoning  
among the physical impediments that void the  
 matrimonial contract. Canon Scrophy, entitd  
 Alces — "a condition belong to the clasp when  
 the ends of matrimony cannot be obtained the  
 contract is morally fraudulent & misery & ought  
 to be avoided whenever this is discerned. The marriage  
 of defective person to those that are in health  
 may be said to resemble the cruelty of *Mozartus*  
*in vigeſt mortua*

"Compensare manus que manu agere auctor ora  
 " " genitum" Infamy & Detraction  
 are of the same kind as implying the want of fitness  
 & consequently the want of consent for it is a maxim  
 of nature & of the civil law "qui non fitit non  
 consentit" very advanced ageas "infirmity may  
 appear to be a strong impediment to a marriage  
 with another in the bloom of life as this is con-  
 trary to nature reason & the ends of matrimony

but avarice has often made a wife make many such matches. The story of Samson in *May we* W<sup>t</sup>. Pope has modified from chapter xvii. only the natural & probable consequences of such but irrational & unequal motives, extreme youth in either or both the ~~parties~~ the parties, although a physical impediment or even a great inequality of age marriage being a solemn contract & destined to last for life ought not surely to anticipate reason or the capacity of Prudence which is <sup>a</sup> necessary to direct them in entering into it with

The age at which males are declared capable of entering into matrimony is according to the Roman law that of 14 years females are deemed incapable at 12 but these times though blindly adopted by most modern nations from the Roman law appear to be very ill chosen & must be easily got entangled into such a contract as matrimony & very many unhappy & illapportioned matches have been made in consequence of this rule by the parties being under a proper age the consent of Parents or guardians cannot justify <sup>to</sup> supply the wants of personal

precedence & natural capacity of choice; but also as maintaining on a contract which is made in the first place for the happiness of the parties & only secondarily for the advantage of those concerned.

They themselves ought chiefly to be consulted & also very early years of confirmed puberty cannot be supposed that they can give a consent less than perfectly rational perhaps from physical reasons but much more probably ignorance & corruption of manners contributed to it the year of puberty being very low.

The age of 20 or 21 in each sex would have been a much more just & natural standard of Puberty.

There is a naturally ripe mind that is susceptible for entering into matrimonial contract as well as of the body & therefore ought to be waited for now Boys & Girls of 14 or 15 years of age might not even to be permitted to take of marriage but less to think of entering into that state —

a very good natural reason may be assigned why they should not. The children produced by very young parents are necessarily very feeble & the natural growth of the Parents being stopped by immature propagation very inconvenient & with consequent

the Border of youth may sustain from <sup>debauchery</sup> may with equal  
grief be apprehended from injudicious & early  
marriage. It is therefore a monstrous disparity  
concerning with respect to the Roman law  
as well as in the law of all those nations which  
have adopted it in this particular, that while the  
age of <sup>Puberty</sup> <sup>enjoy</sup>  
ment or alienation of slaves are confined to 21 years  
that with regard to marriage in which others  
whatever a concern are much more important  
than that of the right management of their  
estate they should cease at 12 or 14 —  
With the Roman maxims with regard to the power  
of Parents were very rigid & extended it to a  
very immoderate degree but the imitation of  
this practice puts very ill with those nations  
which do not extend the power of fathers <sup>much</sup> by a great  
deal. It is almost a great error to suppose that  
females come sooner to the maturity of under-  
standing than males. This indeed is an error  
that is not derived from the Romans but

only erroneously inferred in order to defend and  
countenance the continuation of that abhorred practice -  
The Promises expected that the matrimonial contract  
should be unequal & meagre if not altogether an  
out of duty & fulfilment to Parents & not a choice  
of the parties entering into it & less accordingly worth  
good matches among the Bourghs which we receive  
from our parents & the first of the law of England  
will begin a fine marriage out is likewise very  
favorable to this nation -

Lecture 137<sup>th</sup> Monday March 4<sup>th</sup> 1789.

There are many usages in all nations which have no  
foundation whatever in reason by which however certain things  
continue to be done merely because they have been done  
formerly & still retain the name even "nolumus  
leges antiquas mutari." "An excellent project in  
viewing an account of <sup>these</sup> ~~things~~  
a maxim says he among these people that whatever had  
ever been done before might be done again without any  
regard had to its lawfulness & utility. Alluding to the numerous  
and ignorant Statutes & customs that had sprung up  
so voluminous a part of the laws of England. -

The moral impotments of marriage are 2 - Prior  
contract & consanguinity or affinity his marriage is the  
union only of 2 persons one of each sex. prior contract of the  
same kind renders a person incapable of entering into  
a new one while such prior contract subsists which must  
be till the death or divorce of the other party with whom it was  
first made if two parties knowing that they were both enga-  
ged in prior contracts of matrimony should put themselves into  
a marriage it would be null & void ab initio & both par-  
ties would be liable to be punished as guilty of adultery  
but if one of the parties is void of a prior contract & en-  
ters notwithstanding into a new marriage the latter contract would be  
void ab initio & the offending party only who had concealed  
his prior contract would be liable to punishment & payment  
the sume of costs of the action will be the which  
will be mentioned immediately ought to be a part of the  
laws of all states & actually a part of those of not  
a few that the name of the parties that enter into  
marriage should be published before time before  
the contract is performed — In order that  
innocent persons may not be entrapped & ruined by the  
fraud of others who are already engaged in the marriage

contract affections. The power granted to the Bishops  
especially by the law of England — of granting  
banns for the celebration of mat-  
rimony without publication of bands or the affidavit  
of certain persons very prejudicial to the parties though  
grateful to the official. The publication of Bands though  
an imperfect method is yet the most official one hitherto  
employed for preventing fraudulent & unlawful marriages  
especially those where one of the parties is under a former  
contract. The impediment arising from consanguinity or  
affinity is also an obstruction of every kind  
apparal to be prohibited by the law of nature from mar-  
rying together — — — because the affection of parents  
or children is quite incompatible with that affection which  
ought to subsist between married parties & even persons  
in the collateral line ought to be prohibited to marry  
because no person be another in the place of as father  
or mother cannot at any time be in place of a hus-  
band or wife besides conjugal intimacy & familiarity  
are incompatible with that reverence which we owe to  
those that are on the place of parents & we see  
the marriage contract as proper for establishing a family

• good will it is better that it be contracted between the  
members of different families than that it should be im-  
ployed in uniting those who are already united by  
blood bonds. It has been found that the offspring of the  
marriages of persons already nearly related is very apt  
to degenerate & the offspring of poor younger families in  
which intermarriages of near relatives have been very  
common & their great continuance in the alliance the  
royal family of Portugal which is said to be extant  
is a striking instance of the truth of this maxim by the  
civil law marriage is prohibited to all persons within the  
4<sup>th</sup> degree of consanguinity reckoning from one common ancestor  
so that cousins german & even second cousins are con-  
sidered under this prohibition. The Roman church extends  
this prohibition to the 7<sup>th</sup> degree of consanguinity reckoning  
from one common ancestor & moreover adds the pseu-  
dose relation of God-father & God-mother to the natural  
ones so that no two persons who have been godfather &  
godmother to the same child can intermarry among if  
without a dispensation. The marriage of cousins German  
so all the degrees below that are permitted in  
most protestant nations brings it not

The cause which abatull or break off a valid marriage after it is contracted, adultery whether a violation  
of the spiritual article of marriage or the law not  
being the subject of any dispute some however hold that  
even in this case the offended party may purge this  
nullity by general compunction but others maintain  
the necessity of divorce. The canon laws & even the law of nation  
which determine that the guilty party should be punished al-  
low the hundred or innocent party to many cases but if the  
party of guilty or offending party has liberty of marrying ~~and~~  
the less term of the party offended a late law  
in jamaica example of the Duke of Grafton in <sup>England</sup> her ex-  
huster the knowledge of marrying again to both parties the  
guilty as well as the innocent which has  
already occasioned great number of divorces in that coun-  
try. It is however to be wished for the enforcement of the no-  
nresponsible of marriage that neither legislature  
may adventure to imitate the countenancing of that of  
England in this particular. It was indeed attempted lately  
in the state of new york but that assembly though  
by a small majority allowed the knowledge of mar-  
rying again only to the innocent party.

Wellf the defirction or the 2<sup>d</sup> moral cause that can vacate  
a valid matrimonial contract If any of the parties  
wilfully & without before or nrely withdraw from  
the other & refuse to return the marriage is void after  
the expiration of such a time as the law determines should  
intervene betwixt the notice given to the offending party  
or the divorce In some countries this time is 3  
years & in others 7 years an allusion to the husband  
to be affist or nrely his wife without regard  
unto his wife but if he doth not hear from him or  
that time after his previous & former nrely  
or her she may marry another husband The diff'ren  
kind of a marriage by adultery or abusivle defirction  
is a gross crime against society & no man  
nor than the husband suffers the damages awarded  
by English juries for criminal conversation or a con  
tractation to common fayre or fater on all public  
justice as they hold out the ridiculous idea that  
any married woman is only a sort of prostitute  
with whom any man may couerse with impunity  
& that the law can only justify her that he

is to pay for so doing - See Richard

in the Isle of Wright lately recovered only  
one, killing of damages on a case of the husband though  
indeed it was a killing too much as it appears on proof  
that the husband was guilty to the crime of the wife  
with a view of making her forfeit a considerable dowry  
as she brought to him persons who had been guilty of adul-  
tery with other — an very properly restrained from mar-  
rying together though it would tend prologically to the  
inculpation of adultery & the neglect & ruin of the son of  
adultery and further more of concluding a lawful marri-  
age some think that persons guilty of adultery —  
ought to be alleged to many infamous persons but mar-  
riage is dishonored by being inflicted as a punishment  
beside that free consent is essential to its distinction  
or the wife may indeed be justified by growing malice &  
danger from her husband & capital injury or conser-  
ning against the life of the other party might be a  
good ground of divorce to either as marriage was  
designed for the happiness of mankind & not for  
their misery & destruction besides it was generally  
unsafe that bonds cannot be attained when such

capital country & make her captian place in on  
changes the property of the other country." Immediately  
victim's infant radection off

Concubinage or only a concubine Polygamy prevails  
in the East whenever tyranny & slavery are established  
by custom may — reception of female slaves an  
ever entertained by men who have many wives & their  
progeny lucum. Slaves hence it is a maxim of the  
Roman law "Partus ventrumque figuntur" The Romans  
no doubt adopted concubinage from the nations of the  
East though they never practised Polygamy but the  
licentiousness up which they made of the power of

concubines was indeed more  
than 700 years after the building of Rome when divorce  
was first introduced among the Romans, by Gaius Mario  
who divorced his wife for barrenness. But when  
the custom was once introduced it soon became common  
for the most trivial cause in a group of towns. The women  
acquired the same privilege — a couple w<sup>t</sup> the same  
language as the man in the form of divorce which  
year. "Tres tuis stictis habebos" but what form, al-  
most unendable, that women could be married  
at one time to no less than several husbands

without being subject to any punishment but any corporal  
affair can be made subject thereto and no longer be said  
to be married woman but from laws are fully so  
but as any custom which we have heard of  
the Roman Catholics explain themselves "The hus-  
band of one wife whether law down in the constitutions  
or one of the qualifications of a Christian Bishop to  
marry only a church or benefice or they exclude their Clergy  
wholly from marriage <sup>but this</sup> Canon Law gives a surprising  
little less than exception for it expressly declare that  
if a man have more than 500 Benefices he is not  
the husband of one wife in the sense of the church  
but a pluralist but as long as he keeps within its  
number he is understood in law to have but one  
benefice & consequently to be the husband of one  
wife in the sense of the apostle with the other extra  
your charity & indulgence. The Canon Law de-  
crees that a woman who has had to do with  
more than 25,000 men in a whole what plainly im-  
plies that if she has refrained her commoner  
within that number she cannot be called such the

onvaldes  
Conditions of matrimony have been various &c  
among different nations as well as the forms & con-  
ditions of contracting it. Herodotus tells us that the  
ancient Babylonians used every year to sell  
off all their unmarried women of a certain  
age by way of vendue or public auction. Those  
who were hand some were knowned of to the highest  
<sup>value</sup> bidders & the money at was raised by the sale of these was  
applied to make  
the marriage portions to those who were not hand som who  
in their turn were knowned off to the persons who  
paid to take them with the greatest sum but  
This institution supposed a very great differ in the  
young women — to be married & very  
much indifferent with regard to the person yet the  
very manner in which the ugly part of these women  
were disposed of abating the form of an auction i. the  
very same with that on which people of fortune are  
usually married in Europe where fortune is gain-  
essually regarded. The ancient Greeks did not practice  
Polygamy & yet we are informed that Socrates  
had two wives at the same time when also an-

der was in proportion of Persia he followed of manner of yr.  
by marrying liberal woman & the famous Calo sent  
his wife Maria to —————— Worlebury & afterward  
another of his grand but with the author nor  
the wife of Calo had any amators by the instruc-  
tion of Mahomet every mosque man or true believer  
may have 4 lawful wives & moreover himself had  
no less than 10. married person. have been ex-  
empted from certain taxes in some countries & among  
the Moors those who had 3 children were except-  
ed from taxes But the justum liberorum in the  
time of the Emperors was often given to those  
who had neither wife nor children whom were 3  
several ways of contracting marriage that were  
accounted legal even if among the Moors

The first of May

was the most honorable & considerate in settling a  
contented ease unto her friends which were given to  
the parties to eat the <sup>second</sup> confid & in giving a sum  
of money to the father of if Bride & the Bangle by an  
legal confirmation from the parties inhabiting  
with each other for more than 10 days. Slaves were

Required to marry by the permission of their master  
that he & the Roman soldiers had no right to marry  
while in y<sup>e</sup> service the roman catholics refuse it. Clergy the  
privilege of marrying light-harted men. They are now  
devoid to th<sup>e</sup> Holy See and all the wealth what  
they acquire remain in the hands of the church. The  
English marriage act is a <sup>bundle</sup> of irregularities & absurdities  
by it all marriage are voided that are contracted  
by parties under 25 years of age without the express  
consent of their parents & guardians & likewise annuls  
all marriages that are made by any person not ac-  
tually in clerical orders or when the person is wanting or  
any of the words of ceremony inscribed in y<sup>e</sup> Book of com-  
mon prayer —————— are omitted. now to pro-  
nounce an irregularity in the form of contracting  
marriage by annulling the contract itself considering  
at least one of the parties incapable & the annihilation  
of so many matches in one of the common tract-  
ion on human life & of so much importance to  
the happiness of the parties considereth this act an  
engine of infidelity a soldier instead of a law for  
guarding the happiness of the citizens. Th-

Law of Poland prohibit all marriage between Protestants absurdly that may now be required to be made when Poland has obtained an independent legislation. Second marriages were considered as infamous

The Poles have written against them with great zeal a woman cannot marry twice in England being obliged by law & custom to burn herself in memory of her love to her deceased husband. The Antients in general did not consider it marriage or honorable still their manners became corrupted hence Virgil signifies Dido as resolved to run amiss in honor of Sichar his first husband.

" Sed mihi vel

" Vd pater omnipotens adebat mihi  
Pallente umbra enim nocturna profundam  
Ae quodnam te vides ut his gura resolvo.

The duties of married persons arising from their relation contrast with chiefly in a faithful & constant affection sweetmest of manners & a prudent care of their families watching against all temptation to incontinence wrangling continual provocation in

bearing with the prosperity of each other & endea-  
voring to promote one another's happiness. All the virtue  
is necessary to married persons as well as others  
they ought especially to study moderation & calm-  
ness of temper in order to refrain from all the un-  
equal passions or the affairs of their family &  
the common accident of life as will be evident with-  
out these virtues a continual party & community  
of all things can never be agreeable. The illustrious

Philip of the Palace & his wife char-  
acter abdulose in their joint last will & testa-  
ment declared that they had lived together in per-  
fect amity & had never had any difference during  
the long time of y<sup>r</sup> marriage had subsisted; and we know of no  
other record of this nature more than 300 years ago  
Sir Philip Commerell-Dunne in Ebor caused to be  
hung up in his great hall a picture of Bacon & obliged  
his dependants to do the like to be ready at all  
time to / to any married couple

or minors that would swear upon oath a year & a day  
after their marriage that they had had no differences  
among them but it does not appear  
Bacon during so long a period as the institution

has hitherto now can be expected to perform the duties  
of the married life with propriety & fidelity unless they  
have been accustomed to live virtuously before en-  
tering into that bond A promiscuous Bachelor & a  
fleeting rogue ought to be married together that  
they may not plague two <sup>nurses of young</sup> different families ~~because~~ for  
performing the duties of marriage to an innocent  
& virtuous party of whom who like unfeoffed bairns  
marriage will in all probability live in the same  
manner after it <sup>in otherwise without a miracle</sup> & it cannot be because men cannot  
change their inclinations & wifdoms merely by  
changing their state in life wicked men may  
indeed persuade themselves that they can give over  
their vicious practices after a ~~short~~  
certain time but such a concert or conspiracy to all  
raison & opinion All bread & salt to a whom-  
monger say the sin of Sarah & he will never  
leave off till he die vagrant lust & a general  
neglect of the sex sufficiently hardened the heart de-  
plays of debauchery <sup>The taste</sup> or incapacity of real fidelity  
& affection a generally very unfit to be trusted in  
common life but far less to be trifled with for the  
faithful performance of a matrimonial contract

The practice of seduction always trains men to lying  
treachery, cruelty & every vice of the heart & not only wastes  
the body, but debauches of mind, debilitates of understanding &  
renders them to contempt the moral faculty according to  
common adage "Femina corpus animus et lumen  
ma ——— vocem justitiae annulat neat enim  
irrit acerbat" The habit of youth continue to appear  
in advanced age & the ugly appearance of a bushy old man  
infidelity occasioned by his bad qualities  
cannot disengage in youth that man can never  
be true to one who has already cheated numbers nor  
can he be capable of sincere love who has abandon-  
ed & treated all those whom <sup>he intended to marry</sup> that he loved. Habitual per-  
fidy is indeed the worst preparation for matrimoni-  
al faith & exclusive attachment being naturally  
a preparation for the contrary. Horace takes notice  
that from the time that a young dog has learned  
to bark at a thief in the court yard he hunts  
ever after in the woods.

"venustus in quo tempore

"laborabat in aula

The same in general may be said of youth when  
they have once quitted the path of chastity &

Seriously the first step may indeed be difficult & cost dear  
but the next will be easier than any other thinkable to  
see by degrees as the poor in this state did to the sight of  
the Lyon till at last they feel little or no remorse  
but with all manner of uneasiness with grief.

Every

a partner ought to enter into the matrimonial state whether he ought to be determined not only  
by the affection of the human but by a regard to virtue  
& to the publick the mariage state is the state of na-  
ture & designed for all men one man ought to abstain  
from it unless he prefers the gift of continence which  
alone can make his abstinence from it innocent &  
unless he is engaged in such purposes or placed in  
such a situation as makes matrimony impracticable  
to him. Those who remain in a single state & at the  
same time live in chastity & freedom on the  
part of fruct & of marriage were permitted by  
the law castration would be a proper punishment  
for such persons men of lowe complexions imagine that  
they can marry when they please because they can  
get a female partner of much less value but they  
do not consider that incapacity in body or mind & they are  
augmenting in number by their daily ex-

so far. In a short time indeed they have neither  
breath of Body remaining nor soundness of mind  
By following prostitutes they lose all often forever  
but e can value their chastity merely for bodily  
purification A debauchee is indeed totally incapable  
of truth & affection being practically in living & passion-  
ation ~~~~~~ Nor can he animal like  
a horse or a goat that has lost a great deal of  
that sense of his nature - become entirely in-  
capable of being either a sincere friend to a virtuous  
man or a faithful husband to a virtuous woman If the  
females in general were sociable & intelligent they would  
combine to refuse all <sup>such</sup> ~~such~~ <sup>such</sup> ~~such~~ <sup>such</sup> <sup>such</sup> <sup>such</sup> <sup>such</sup> <sup>such</sup>  
want of others to many some of them when they see  
judged If a man knew for certain that the organ-  
tation - of such a family would utterly disqualify  
him forever excepting an alliance w<sup>t</sup> any <sup>intelligent</sup> ~~intelligent~~ <sup>intelligent</sup> ~~intelligent~~ <sup>intelligent</sup> <sup>intelligent</sup> <sup>intelligent</sup> <sup>intelligent</sup>  
virtuous woman It might indeed inform him of his vicious incli-  
nations but bad men have at last corrupted the  
taste of the females & deprived them of very much  
of that delicacy which is proper for their sex  
mainly by flattering their vanity & persuading them  
that their charms have power to fix the most

that their Sharon have power to fit the most  
wandering affusions & to convert the greatest Mahomet  
company. The females are often weak enough to  
languish & do not find themselves <sup>wounded</sup> dicidell their  
case is without a remedy they are then endor that the per-  
sonal honor alone can effectually convert a Native  
or infidel from his <sup>form</sup> ~~wanted~~ pursuit young men ought  
therefore to adhere to strict chastity & honor if they  
ever expect to be capable of matrimonial faith  
and able to make  
this address to a virtuous woman on an equal  
footing the sufferings of men in an unhappy life an  
inflict much greater than any that can be ex-  
pected in the state of matrimony & it is more  
cowardice that infidelity many young men from  
matrimony they do not venture on a choice for life  
pursydays or doubt accordingly they <sup>quit</sup> & desistation. It is probable indeed  
that they may not dream of that wanting con-  
rage but certainly a young man who has not  
ventured to marry may be lawfully suspended  
of cowardice & has not yet given <sup>all the proofs</sup> of courage of which  
he is capable fear of what <sup>is</sup> fear of disappoint.

ment is certainly that which induces him to  
be unmannerly & guilty only because he wants con-  
courage to be virtuous." And he hopes.

Petitire 138 Tuesday the 24th 1789

The generality of married people soon become pa-  
rents & therefore ought to be acquainted with the ground for the  
duty of that state when they have no children they ought  
to endeavor to be contented & or their case & rules are  
sauved they ought to study that they may be proper-  
ticularly better arranged & attend to at the same time  
they ought to be convinced that a childless state has been  
found by the dispensation of Providence to be best for them  
to be beware of inquiring others who are in a different state from  
their place for which purpose they ought to consider in many  
ways which many other people suffer from the deaths of  
them from the loss of their children & that there are many  
people that have children with whom they would not be  
willing to exchange condition & that for any thing  
they know they might have been equally or perhaps  
more unhappy if it had been their lot to have children

Those who are childless have greater ability to be charitable & do bountiful action than those who have children a man charily says it? Master cannot be expected to make the Earth when it must first fill a post". The greatest Benefice & provision for posterity says Lord Bacon have been made by those who had no children & the persons who have no children of their own have a delight in educating & doing good to children they may before their vacant hours & affilient in the training up the children of the poor or those of son of their own relations still in the Adelphi of Venice promise a benefactor to the son of his Brother Dona though he had none of his own last his lectures maxims of education & he inclining to the views of youth are neither to be approved nor imitated As the human offspring remain for a long time infirm & incapable of government itself & much the constant care of others both parents protection & instruction in those arts which are necessary for life. & when has plainly impi'd the charge upon the Parents by that singular affection to their children which she has implanted in them that affection indeed is not peculiar to the human species even the Brutes uniformly take care of their

offspring & such that an appetite as well as desire  
has been for this & cultivation a cartridge will throw  
himself in the way of the Spaniel in despite of his little  
courage & by counterfeiting the Gamefife situation so  
as will induce him to draw him away from his nest  
& a hithough a timid animal will engage the largest  
dog in despite of his chickens but as the affections of na-  
ture in human kind are complicated with moral prin-  
ciple & sentiments more careful tho' natural affection in  
the genuine party of friends except those whose children  
are produced in lawful matrimony. Before meeting Brack-  
eler is a mere beast of prey whom his crimes have de-  
prived of all tenderness he can feel no more compas-  
sion for his furious offspring than the Crocodile or Allego-  
rator does to the young of his own kind whom he devours  
as often as he can come at them. His formulating Brackeler  
can stand unmoved & for the world hangs upon his  
own lust had impregnated & whom his cruelty & avarice  
desirous to dispossess & intended to murder the fruit of  
his own body to him therefore a parent less & ignora-  
ntly must be forever unknown because he has rendered

himself incapable of matrimonial fidelity & conjugal affection but person of honest fidelity feel the strongest attraction of parental affection to their own cause are faced which to the eye of profligates appear contemptible & intolerable They feel a respect the order of nature & love them still in their offspring on the contrary a whole mongrel confidors his beastly master as much of crawling matter or a noxious animal which he could crush to death with his foot that he may not be interupted in the pursuit of pleasure a few years ago a widow in this country dying left her innocent children in this manner for which by the opinion of all law & the research of common sense the unhappy mother an afflicted spectator of this tragedy bid good death Had men desirous to their last under the massy of honorableness while these evil despise a death & the destruction of the soul a body the masters of law who are generally far enough from being philosophers can even on often themselves immured in this way have never yet obtained such a harshly enough to desirous & punish the original offender & the cause of the murder of innocent children Such a reform if it were to be expected

must come from the undiscarding a just & future  
generation. But the avaricious formator & his illu-  
cid partner are incapable of feeling the joys & af-  
fum of Parents a laudable parent tells them in exhortation  
would not want the pleasure that he receives from them  
for all the painful care & anxiety in which they en-  
gage him he considers his children as orphans trust  
committed to him immediately by his natural kindly & to  
his management of which he is responsible to nature  
& to his own feelings he discerns in his children the radi-  
ments & first principles of human nature which he  
respects even

he fears no other

bounds to what he is willing to do for them than those of  
the boundless affection which he feels for their welfare he  
can lose his own rest with charpiness to prevent theirs  
& feel all their little complaints as much as the most  
acute pains in his own Body he is infinitely indeter-  
mined to his children & his partner in such a manner of  
the greatest than of it remains for himself we shall  
not attempt to describe the affliction of avarious & anxious  
mothers who have often left their own lives & ruined

Jude of mortal disorders on the course of watching  
over their suffering & dying infants their affection  
are — truly & their intent for the welfare of y<sup>r</sup>  
children in warm & boorish nothing is so good for  
them in their opinion & they would puncture their  
life & safety at the hazard or loss of their own

" Quod novat dubi

"Quam super acto;

" Atque sit mundus recte.

as nature has provided for the care & protection of children  
by means of parental affection those who do not fulfil  
that can never perform nor even learn the duties of  
fathers. The parents when not governed by vice are  
much more faithful to nature than rascals can be  
as well as men uniform certain argument in y<sup>r</sup>  
affair. If we were therefore truly to observe the duties of  
a Parent we would observe them as comprehending  
all those things that a wise & benevolent parent  
prompts to do as far as is in their power but no man dares  
mention what ever can supply the want of this affusion  
a man must not think that he can be led to the  
duty of a Parent by cold consideration & dry study

but only by the genuine feelings of human nature  
he must not think that by reading any little vices  
mis or Xenophons Cospardia she can learn the duty  
of a parent nor must he imagine by taking up of grand  
Encyclopaedia & following the order of the Alphabet  
of moral scenes till he comes to the article of Parent  
she can be qualified for the duties of that relation  
in the contrary he must feel a conduct & suggest  
ed by her feelings in the course of his duty at the same  
time these very feelings have most decided support  
from reason he knows & is convinced that he is acting  
honorably & properly when he is following the intention of  
nature & taking the strictest care of that trust which  
she has committed to him he prefers his own situation & suffers  
over the pain to which it exposes him while his moral  
family in the mean time fully approves of his con-  
duct & he anticipates the pleasure which he expects  
from the happy sense of his care a endeavours  
further reason a person of good character & prudence  
will not even be offended with the severity & exactran-  
cy of parental affliction as they bear such faithful

testimony of the right rule of the heart "oh Absolem my  
son my son oh my son absolem would to God I had  
deed for thee oh absolem by son my son" as nature  
has inspired the son of education upon the Parent it  
must also have designed that they should assume  
all the power which is requisite for the discharge of  
the trust & that children should be subjects to this power  
while at the same time by a tender affection —

affection granular in nature for children claiming their  
liberty as soon as they can fairly & properly enjoy it & that  
the power of this Parent will be used for their well-  
fare as the happiness of their children is that point we  
all good & natural Parents are most anxious to ob-  
tain The degree of wisdom & paternal affection in every  
individual parent is the measure of nature. Kindness  
for the child the there are very few things in w<sup>e</sup>  
children are more prone to mistake than in offi-  
cating the kindness of nature in the particular  
as to the intentions of nature that man should  
languish from one another & be annihilated by the charity  
of hundred & dozen & the ties of gratitude —  
a affection we ought not to doubt that nature's  
choice of our parents is made with the utmost distinction

tem or subject to us & that nature has given to  
each of us such parents as were the most proper for  
us Children are very apt to worth & in nothing  
perhaps are they under more influence than nature  
had given them parents who would be properly induc-  
ed to their education & circumference which when  
it really happens gives the other side of many chil-  
dren The want of judgment in our former years  
and the tenderness of the parental affection  
are the two great foundation of the parental power  
which will necessarily be oblique as long as this  
immortal & judicious lawe ought to be repected  
by the child as the dispensation of nature because it  
is accompanied with tender affection which is the best security  
that could be provided against any abuse of it the  
same considerations thus shew that this parental power can  
not be extended to any of the more grievous punishments  
such as cannot be compatibl with parental affection  
nor suitable for the purpose of education & satutory  
disposition partly can this power be extended to the  
punishment of death or the disqualification of liberty  
though indeed that notion prevailed among the

ancestors who seem to have considered children  
property of their parents rather  
as the absolute <sup>to</sup> ~~to~~ as a trust committed to them the  
parental power belonging alike to both Parents though  
as the father by the definition of nature has the govern-  
ment of the family in general committed to him he  
must necessarily be superior in the exercise of it  
but on his absence or death it devolves entirely on  
the mother. No mother dares nor philosophie to  
deny the parental power morally in generation or  
to subject the human factor to the law of property  
children are evidently a trust or depositum & the  
parents have from nature the exclusive privilidge  
of being their trustees. The Bodies & souls of children  
are equally the effect of the divine power & are destined  
to grow up so as to arrive in time at the  
same condition of life & equality of right with the  
Parents though on account of their weakness & the  
imperfection of their faculties they must be for  
some time supported by the care of others or will  
be subject to their power & underlaid by their will or  
womdom till their faculties are gradually developed.

do & they become fit to be entrusted with the ma-  
nagement of their own rights & property children  
may have property & rights independent of their Pa-  
rents & the Parent having no other kind of power  
over any good <sup>rights</sup> <sup>or</sup> that are conveyed to their children  
by others than other tutors or caretakers when parents  
abandon the guardianship of y<sup>r</sup> children which was  
committed to y<sup>r</sup> by <sup>nature either by</sup> exposing or by neglecting them  
the Church forfeit the whole parental power which again  
is acquired by any one who actually takes care of such  
neglected or neglected children Parents are most  
fairly obliged to provide for their children all  
the necessities of life & will be informed their condition  
as much as they can being connected with them by  
affection they are a part of themselves & they ought  
to do every thing for their maintenance that a rational  
man would be disposed to do for himself but the most  
important part of the duty of <sup>Parents relating</sup> to y<sup>r</sup> children education  
entertaining can inform their minds & manners so  
that from a practice of all the virtues they instruction  
example Parents are indeed very inequally qua-

equally  
afid for the business though for the most part,  
confident of their own full & capacity may trust  
who are least qualified or for the most confident  
& less uniformly do less who are most dependent of  
themselves. Pride & ignorance are the great causes  
of all the abuses of parental favor as well as of  
many others more in this matter. But the fault  
of every Parent in the education of his child will  
always be in direct proportion at least in early  
years to his own advancement & progress in virtue in  
virtue & wisdom. As the man can stand no higher  
or than the fountain from which it proceeds if Parent  
cannot possibly teach his children any ~~thing~~  
thing which he himself does not know but as the  
manners of children are commonly formed by ex-  
ample much more than by precept the best thing  
generally that a Parent can do for the right education  
of his children is to be constantly attentive to his con-  
duct at all time but especially in their earliest  
children can understand the language of the passions  
& interpretation of natural signs long before they  
are able to comprehend word, or fintness & Parents

ought not to be forgotten when they differ on the  
opin<sup>n</sup> of their own disorders in their children. Privi-  
nality of opinion that Parents ought to reform their  
children on y<sup>r</sup> account in the same manner  
as they do in that of their superiors "maxima debita  
peccato reverentie" But how shall parents qualify  
this wh<sup>t</sup> have not first learned the object of By  
magras or men to move them ther<sup>e</sup> be the first  
occas<sup>n</sup> of exciting improper ideas or irregular mo-  
tions in a young mind or by this the first example  
of irrational conduct an<sup>r</sup> matters what if properly  
taught will be found to be most contrary to parental  
affection yet many parents are so negligent in this  
particular that they often chaf<sup>f</sup> with reprimand in  
their children though very well what they have learned  
from them else the better way surely would have been  
not to have set them the example Wh<sup>t</sup> first inflame  
that some children give of their ingenuity or discon-  
tent by terminating their parents expostion  
out the bl<sup>t</sup> faults in them for which they offer  
whoffement but a prudent Parent will take

can no<sup>t</sup> be give her children any opportunity of  
preservation in this kind <sup>another says Cuero</sup> & if they should have a  
great deal of integrity & innocence in themselves. Chil-  
dren who have for nothing but orderly living & have  
been taught strangers to make clamour & profision will  
of course be — far more tractable than tho'  
who having been untaught to perpetual quarrel are  
easily induced to take a part in them & to indulge  
their passions without restraint according to the ex-  
ample of their natural teachers children ought to be bid  
to take notice of the beauty & dignity of a much  
regular concert of the advantage of ready obedience  
& the upright & disengagable confluence of good purp-  
ose. Obedience & contentment they ought also to  
see that they ought not to expect to be always  
gratified & that there are many things which they  
may desire which however it would be utterly  
improper & hurtful to grant them & that by freely  
yielding up their inclinations to the will of their pa-  
rents they may expect the greatest favor & gratifi-  
cation & if nothing <sup>high</sup> else is to be had by ob-

January & disobedience as their Parents are not to alter their conduct for their humours.

" Paraphr

In every occasion of giving any information to Children Parents ought to remember that they will be much more attentive to the manner in which they are affected than to any thing that they can say to them or the language of y<sup>e</sup> proprie<sup>s</sup> is much more intelligible than children are much fonder all to comprehend it than we are even & may feel all the effect of our sentiments when they can give no account whatsoever of the words or what they were convey'd if we give children to understand by y<sup>e</sup> manner & behaviour that we concur with what we are saying to them to be of great importance we may expect that it will have more weight with them. The practice of drawing strict lines tho' in small matters & often meant only in jest has a most pernicious effect upon them as they are commonly able to discover the fraud in a very little time & indeed never to gratify it in their turn upon their Parents

or on other children but Parents lose all their or-  
det authority w<sup>t</sup> y<sup>r</sup> children from y<sup>r</sup> moment of any  
of y<sup>r</sup> little faults  
are disowned by them & it were much better oftentimes  
that they said nothing at all to their children than  
to accuse them with false accounts & ridiculous sto-  
ries. The facts of lying disseminator & suspicion  
are much increased by the mismanagement & children  
are soon led to conceive it to be an uncompliment  
to be able to impute on others but instead of leaving  
them to find out every thing for themselves accord-  
ing to their powers and coronal Parents ought carefully  
to instruct their simplicity & to inform them of the  
great lines of their duty as well as of their in-  
dustt original Let it not be said that chil-  
dren are apt to conceive false opinion of those things  
when told <sup>at first</sup> that therefore they ought to be let alone  
the first notion that is formed on this subject by  
young minds are not more absurd than those  
of older people when the subjects are equally new to y<sup>m</sup>

Lecture 139 - March the 24 1709

In very many cases erroneous opinion most ne- ja

rely preachers ones tell all auguring a great many ideas  
concerning to compose them together we consult the errors of  
our first conception young children & question every theory  
that they are fit to be a body & to be endowed with body  
proportion but the afterwards learn by comparing the other  
properties of certain substances with those of Body that it  
was impossible that their first conception could be right yet  
the erroneous opinions of the child are necessary to lead to the  
sound notion of the mass There is an art in thinking  
as well as in all other things & in all arts we must  
make many blunders in the beginning & we learn every  
art by correcting the blunders that we faithfully commit  
a few things only are necessary to be imprinted onto the mind  
of children in their tender years such as the Being of God  
his power & goodness their own late original the certainty of  
death the art of obeying their Parents & the reality &  
force of their love to them & that in almost all the subjects  
that tend to be reported to their understanding in a con-  
siderable time when they are well grounded in these their  
own curiosity & questions will lead to many collateral  
truths as well as to much clear conception of what they  
have learned what is of most importance is that chil-

been shew'd fully understand that their Parents are deeply  
in care if they have the truth from b'f'y of what they say  
to them for if they are suffer'd that their Parents are not  
in earnest their information can have little weight after-  
wards. We think of the greatest importance to make  
children prof'lly of their own weakness ignorance & b'f'y  
that they have of learning as well as the ability of their  
Parents to give them good information. The greatest trial  
of the Bradom of the Parish & in which the greatest part  
of them commonly fail appear when their children are sent  
to School a part under the direction of another Teacher or  
the master the most part of Parish thus emp'les much  
more children & youth than the very children that they  
send to School. In instead of telling them that they ought  
to now & obey their master or that they will be chastised  
if they do not obey him. Parents are wont to instruct  
children to inform them how their master uses them &  
to inform them that he has no power over them & that  
if they think that he uses them hardly they will be  
b'f'y from him & plead more agreeably to their vindication  
now by the chaste management of Parish many chil-  
dren are taught to hate & distrust their masters before

They know any thing of him & if he offers to chop  
off them for their fault they run away to their box.  
by Parents who are ready to give those who quide not  
any account of his behaviour that the children are obliged  
to give him & to gratify their indolence often. but  
if most of Parents had not as much need of going to  
school as the children which they find they would tell them  
that they had committed so that master that was whole an  
hourly over them & that it would be necessary for them  
to submit to his direction & that diligent Evidence &  
good behaviour were the only means to avoid chastisement &  
that they ought to make no complaints but  
to consider that application to the discipline of the master  
to be necessary & unavoidable in order to their obtaining  
knowledge & less familiarity in the practice of chastity  
but on account of the foolish conduct of Parents most  
children are under强迫 to application & must  
not be urged to it by the master for fear of offending  
the Parent or from the same cause we sometimes find  
in the dormitories in which infants are to be found  
above the year of puberty those sluggish minds

have never been acceded to actively by the proposer of  
merely desire of honor or the party desirous of that  
testament & who pass that law in edict, know, thus  
know that application is not necessary, on order to prove  
that Parrot & the master can always be blamed if  
they make no progress in learning but the human  
mind will never acquire any strength or firmness  
than it has received with sufficient nourishment  
of memory & it is to the want of this that we  
ought to attribute that weakness of mind & want  
of ambition which so often discerned in youth for  
the nation & which when first early set a distance  
from his parents & exposed to all the consequences of  
his own behaviour who has he now done, except all of  
him by his master & his master & all breeding by  
his companion has an infinitely better chance of ac-  
quiring just notions of things & a capacity for being  
a study than when he has always his mother either  
call a can go attempting to her with every complaint  
either against his master or his companion, although

who feels by experience if he must set for himself —  
or abide the consequences of a contrary conduct will forever  
acquire manly sense & conviction than those in a different  
situation will ever do or amiable & excelling his com-  
panions in knowledge or will or in strength or deility  
& of making his way in the world by the exertion of his  
own saunter instead of depending on the favor or exerting  
the influence of others. Those children who are in the gra-  
dues of government their Parents at home by means of the  
January & February will naturally endeavor to govern  
these masters at first by the same infant behaviour  
They are too perhaps by this with Parents that is not  
very necessary for them to study & that they may learn as  
much as others in a very little time & without giving  
themselves much trouble & the parents allow them to  
choose what study they would be employed in in order  
that they may give as little trouble as possible now it  
however are not naturally fond & fondent wholly  
uplift by this management they may be supposed  
to have something uncommonly good in their dispositions &  
their Parents must lose a world of pain which they  
have taken to spoil them rational Parents will always

send their children to such masters in whom they  
have often confided & having done so they will  
leave them to him & even their master by giving  
them to understand that they do so themselves they  
will likewise support his authority & second his admo-  
nitions & in so doing they will most effectually sup-  
port their own. Those Parents who teach their children  
to despise their master & to inform against him can  
find themselves as much discredited as the master & the  
children in it upon being tried at home or will at  
School & the pride of one alone & infidelity three a few  
by this hopeful management. The only chance that  
many children would have of receiving & adopting by a  
good education would be to lose their Parents as soon  
as they went to school & to fall under the care of some  
inferior persons who would not mind their reprehensible litt-  
tle  
else than to perform their task & submit to voluntary  
despise. Parents ought never to expect from their  
children any retribution which they cannot inflict  
on themselves thus example other enforcement of  
the masters instructions & authority ought to be

grown up to their children but at present it is a  
great deal of they do not do <sup>under</sup> towards their children by in-  
courageing them in idleness & slovenly & idle course  
The very rare that such habits are we put off what  
are unbaited & encouraged in youth the extravagant  
expenditure that most Parents are apt to form of the  
prosperity of their children is totally uncomparable  
with that idleness & slovenly in which they would  
have their indulged but nature takes its course one  
find that those Boys who are much indulged are  
perpetually Boys & commonly as destitute of know-  
ledge as they are of joint capacity & application.  
They seldom if ever memory leave to the best children  
but in the parents are apt to be negligent or to follow  
their own names or reputation rather than the chil-  
dren's & when children offend them they easily  
conceive to get out of the way till the paper of  
the Parents is over that no chastisement is to be  
feared however much was deserved to be subject to  
such impunity or to be delivered from chastising  
them by their owing us to myself Parents the begin-

many of tomorrow with respect to their children because  
as soon as they feel their influence they will know  
of all restraints & do whatever they please as disobe-  
dient & indulged children are necessarily undisciplined &  
ignorant their qualities continue to augment thus other  
men's & bar all hope of reformation may commonly they  
lead to misery or to crimes that last them off in the  
middle of their days. The indulged children early in  
the use of many are extremely dangerous & their moral  
indolence & wantonness surely could & perhaps fixed  
as permanent & overwhelming part of their character by  
the conduct children ought to be taught early to consider  
honor as a most valuable acquisition & to be more  
pleased with deserved commendation than with pecuni-  
ary rewards. This ought to be the best lesson the ill consequen-  
ces of idleness & slothfulness in others & taught to imitate  
the best example & to reform the children that are  
most attacher to their duty. To hear their Parents  
talk with admiration of neither a mother or the adven-  
tage of virtue & knowledge is however a great loss  
to children when they are exposed to such bad com-  
pany or to give no account to their Parents of the

manner in which they have spent their time  
all hopes of amendment are at an end if they have  
no delight in the company of their Parents or of  
children that do their duty else an exceedingly bad  
omen when children are permitted to reply to a  
their Parent & to speak as long as they please the au-  
thority of the Parent is at an end & the children will  
as often have their own way as if the Parents allow  
themselves to favour or to help them in  
word or to break the Sabbath day these children will most  
readily imitate their example & all reproach must be in-  
efficual when it is not supported by the example of the  
superior. In order to have children well behaved Parents  
ought to put themselves under the strongest restraint that  
they may learn nothing that is bad from them but  
when they allow themselves liberties they will always  
find that their children will imitate them & probably  
go beyond them in their indulgence. The fami-  
larity of Parent with their children contributes very  
much to the splendour of exercise & authority & the hear-  
ing of Protestant conversation & the knowledge of  
the details of our own Church highly promotes  
as children are very often led to wrong by mere curiosity

or will not reflect till they have been fully informed  
of what has been unmercifully told them when Parents  
have placed their children under masters in whom they  
have confidence. They themselves ought to avoid inter-  
fering in the pursuit of their studies & ought only to  
inculcate the great duties of morality & recommended emplo-  
yment <sup>arbitrarily</sup> to their masters. So to under <sup>a government</sup> of  
men can not be fit to rule or command who have not  
first learned to obey. Parents may sometimes inadvert-  
ently tell their children that they are not destined to any  
of the learned Professions & that therefore it will be  
useless mapping for them to apply to their studies. This  
is exceedingly common as it damps the spirit of arbi-  
trary application & ambition & renders their attention on  
the course of education in a great measure uplifted & them  
every boy ought to be told by his Parent & his  
master that he ought to apply to every branch of  
learning with as much diligence & vigor as his  
future fame his reputation & happiness absolutely  
depends upon it & without this it is impossible to ex-  
pect that he will give himself any trouble or  
spare

have any tolerable sum or what he thinks what  
Parents expect upon children who have no stocky  
or fund of their own rightly informed to be. You ob-  
servation & would be caution parents who are not  
in very great distress to charge food cloathing & mufa-  
curing education as a debt upon their own child even but  
if the Parent are in great distress or of children have  
a Stock derived from some other quarter the greatest  
expenses bestowed on their education may be placed in  
an account with their children and exact a  
payment imposed on children who are found to make  
payment other way than labour or otherwise although  
therefore we may justly presume from the affection of  
Parents that they ought to augment their private  
furniture for their children by will or for themselves  
yet children ought not not to consider themselves as  
left boundless gratitude on that account Nor the more  
from a distinction that any affection or the more  
duly that it is rooted in a person's nature the more  
it is to be valued & the stronger our obligation to  
make like just Parents may acquire by civil laws  
a greater power over their children as the law commits

power to any magistrate & civil power having different  
foundation & greater ends extends beyond the parental  
& in the same manner a child may be subject to an  
officer that shall subject his Parent to his power in what  
case the civil power should be exerted as not to use  
strength or violence with the natural & the Roman  
maxims concerning the Powers of Fathers over their  
children would not allow a father to show reverence  
to his son even when consul & therefore the son was  
obliged by way of compensation very by delighting from  
his honor & allowing in the faces to incur his fathers  
wrath moreover instead of removing any from him the  
civil power surely here obliged to submit to the  
paternal or the clerical & committee one  
numerous primitive one the Roman when constituting  
over all moreover is gratified to their Parents not only  
in return for being created which have any object of  
themselves can sufficiently expressible but also from a regard  
to god by whose Providence it was ordained that we  
should descend from just Parents & be united with  
them in ties of blood a natural affection can  
hath no otherwise from our creation that in order

that Children may acquire a knowledge of their Parents  
from a sense of duty when they come to the age they must  
have been accustomed to it in. Their minority cannot  
have learned it by habit & memory before they could  
be acquainted with the nature of it. If children are not  
taught to observe orderly living in their tender years  
there is very little hope that they will practice it  
when grown up. When things happen otherwise it  
will be reckoned an extraordinary phenomenon & not  
of the usual course of nature but so far as children  
are capable of thinking they ought to consider the  
causes & care what their Parents have bestowed on  
them for their welfare as motives to obedience &  
gratitude on their part they ought to understand it  
as according to nature that they should be guided  
by the wisdom of their Parents till their own  
faults cause them to <sup>in</sup> ~~in~~ <sup>the</sup> <sup>more</sup> <sup>and</sup> <sup>more</sup> <sup>to</sup> <sup>the</sup> <sup>more</sup> <sup>they</sup> <sup>will</sup> <sup>do</sup>  
out of party & they cannot drift unles there be  
some to obey as well as some to command now Parents  
by the direction of nature as well as by their strong  
affection & the maturity of their understanding being

the most proper person to command & direct  
your children they ought to rehuard the honor &  
credit as well as their duty to obey them. The Station  
which their parents occupy by the distinction of nation  
they ought to consider as the object of their reverence  
& the ground of their obedience as well as the personal  
quabiliy exalted respect of their Parents themselves.  
Parents are to children under age in the place of God  
as to his will & appointment in committing them  
to the care of their Parent that they shoule be subject to  
them so that children are guilty of revolting the autho-  
rity of God in the person of their Parents from whom  
they receive <sup>it</sup> if communication & in fulfilling the will of  
God communicated in the manner they <sup>ought</sup> to obey such  
a profane worship of mind as would very probably lead  
them to neglect the will of God communicated in any other  
way. Children are ready to lay hold of the personal  
weaknesses of either of their Parents as excuse for  
their own disobedience but they are not ready  
to observe their own faults which make them <sup>more</sup> in  
need of chaste parentage but they ought to remember  
that it is not the personal character or qualities <sup>of their</sup> work  
that give them a right to command them but the

oblivion of nature & the neglect of ordain  
ing such Children ought not to imagine it be-  
longs to you to command any of their Parents but that it is  
their honor or interest to obey those whom nature has  
set over them & who are answerable for the conse-<sup>ce</sup>  
quences of their obedience as they themselves are ob-  
ligable for the consequences of their disobedience before  
children ought to remember how much their parents have  
inherited from their children & a proverb says  
they are obliged on the score of gratitude & justice as well  
as by reverence to the order of nature to bear with the  
forward humors & perverseness of their Parents & never  
to consider themselves as on a level with them nor at  
liberty to deal with them or to abuse them in the same  
manner that they might lawfully do to their equals or  
masters all their honor & duty lies in supporting & following  
the appointment of nature & in maintaining the just-  
ice of their cause against that authority which自然  
has set over them "Honor thy father & thy mother is  
the law of nature & ought heavier no less than that  
of revelation & the example of Noah, two sides will  
open in covering their fathers nakedness in such a  
manner as not to just & revering the authority of

(Drunkenness sufficiently cornered)

their father even when his reason was disengaged by  
that the faults of Parents afford no authority or allow  
any to censure or abrogate or withhold from children of a child  
indeed was common did they have Parents to commit a  
crime against nature for the interests of society he ought  
not to obey them as the authority of nature which forbids  
such crimes is original Supreme & eternal & consequent  
peremptory to the authority of the Parent which is only  
delegated & temporary; but a child must be committed  
age a judge very soon of the fact before he ventures on a  
deliberate instance of disobedience to his Parents even for  
confidence sake Children ought therefore to consider how  
blameable or otherwise small处罚 & how great pain &  
happiness or fear upon every thing that is ordered by those  
who have a right to command is immediately com-  
plied with & carried onto execution by those  
whose duty it is to obey on the other hand even children  
may be sensible of the manifold mischiefs & disfor-  
tunes that might take place in a family when every  
one infish to command & none will condescend to obey

London 140<sup>th</sup> March 25<sup>th</sup> 1729

The obedience of children to their Parents ought  
not only to be constant & perpetual but likewise cheerful

is really because the merit of many good actions is much  
lessened & spoiled by their being done with a bad grace  
or with much contention murmuring & grining. A just  
and sincere & as disagreeable & irritating to Parents  
as the most积极 disobedience ~~is~~ is I find is that the  
heat is wrong & that the inclination of the child contraries  
the side of his duty before a forced & grueling discipline  
can no more be permanent than it can be amissible  
& it is not probable that children will do any thing  
well to to good purpose when they do it unmercifully against  
them will the heat of discipline ever make them be agreeable  
to you than our true gratitude when children are taught  
their master or their Father for life they commonly have  
need not only of all their own wisdom but of that of others  
Parents who must be highly interested in their establishment  
for life the professor which a child is to imitate & to de-  
pend on as a professor for life a the foundation of a good  
character in discharging the duties of it ought to be at  
one point to his education his connection in life his con-  
stitution & abilities as well as to the just inclinations  
of both the Parents & the child more it is the office of  
Prudence to make all things to coincide as otherwise

the child's understanding the provision that is concluded on  
can neither be for his instant honor or happiness nor to  
shif of the Parent & Person can ever be successful in  
a provision which is not agreeable to his inclination  
or if he wants education & abilities that are necessary  
for finding in it his embauing it must be left over  
to him. When Parent & children duly consider these  
things with wisdom & moderation they will probably  
come to agree soon upon the provision that is fitst to be  
chosen but things will be most easie if the father do not  
insist much on his authority & if the child is not too  
much influenced by ignorance vanity humor or fancy but  
when both parties intent to reason probably & the fit  
mch of things the care of the marriage of Children is  
full more delicate than the choice of a profession as the  
tender sentiments & affections of nature as well as their  
moral & physical interests is concerned in it On the choice  
of partners for life Parents are apt to be much influenced  
by considerations of gain or convenience & young people  
by a regard to personal qualities but as both these ends  
are desirabell they should both be kept in view in

such a dignified order as is suited to their several  
importance. Whatever made for mere gain or con-  
venience are not likely to be productive of much friend-  
ship or happiness to the parties & matches that are  
made from a man's regard to personal qualities of  
fineness if they are only of a superficial nature will be  
not convenient are not likely to be productive of deep  
constant misery generally separation & mutual  
upbraiding's now in order to prevent both these  
kinds of evil consequences it is best that the parties  
be not too young nor yet too much hasty to enter  
into matrimonial engagements but that they may  
be tolerable guides of convenience or will a professed  
of affection & esteem for desirable personal qualities  
of virtue is not the chief of these qualities that are  
profused & regarded in marriage the rest will be of  
very small account beauty soon fades & come to  
be a familiar & little regarded as a statue or picture  
that we have often seen. Wit again soon irritates  
& becomes offensive but mildness & good nature are  
next to real virtue of the greatest value fidelity

a mutual affection are necessary to render the marriage state happy a man capable of being so now though alone or if his little offecetly which affection are disengaged and extinguished by misery & Penitence when marriages are not made too early or roughly & when a due regard is had to all the ends of marriage they will have the greatest probability of being happy men as will be agreeable to all the parties concerned. A Parent can have no authority to impose upon a child a partner for life contrary to the child's inclination & on the other hand a child ought not unles from necessity to crop the will of their Parents by a choice that is disagreeable to them when children come at the year of maturity the absolute parental power ceaseth by the law of nature, it ends being already attained; but it ought to be founded by a wise & grateful on the part of the child to such a degree that if possible the Parents may never know that it is imposed voluntary duty & honorable defense in children to the will of their Parents is at once profitable &

honorable to the child as well as agreeable to th.  
order of nature & the interest of society & the  
voluntary obedience being prompted by reason &  
gratitude & not proceeding from meanness is much  
more agreeable to Parents than all th. obedience  
of childhood Children are subject to obedience to  
their Parent as Head of th. family in which they  
live even after they are arrived to the years of matur-  
ity as when in the same reason that there should  
be a supreme power or authority whether it consist of  
infants or adultt number th. difference & obedience  
which children owe to their Parent or an adultt  
slave ought to be prompted by a sense of duty & resi-  
tude as well as performed with chusefulness a reading  
remaining in that family in which nature produced  
him & leaving th. same authority that watched over  
their kindness helples years they ought to demon-  
strate th. insincerity of th. benefits that they  
have received & more thank that they can request you  
ought to their own children to whom they ought

to be paid in kind when natural duty & filial duty  
be or supported by reason it ought to lead children  
to such a conduct toward other Parents in maten  
age as they have observed toward their own in  
fancy & childhood. Young Storkes suppose that aged  
Parents what they have their name in our language  
from the greek word Storgæ which denotes the affect  
on that is proper to Parents & children. By the  
law of ancient Phrygia it was a capital crime to  
kill a Stork or these people were willing that  
their children should have as many examples of  
right affection & conduct toward their Parents  
continually before their eyes as <sup>was possible</sup> this animal have  
lived if he will travel in many other nations not  
only because they displayed notorious figures but  
from their affording in their conduct to their Parents  
an example before of filial Duty. A family is a  
family governed by one or more heads & consisting of  
an indefinite number of members which are connected  
together partly by blood & partly by contract over all  
which the authority of the head of the family is exten-

and according to the relation which they severally  
bear to him the wife E. G. is governed in virtue of  
the matrimonial contract which at it implies a  
participation & communication of rights & property given  
her by her husband or her government of the family  
at all times & the whole of it on the absence or death of  
the husband. The children again are governed in virtue  
of the Parental power which is constituted by nature  
itself & rendered absolutely necessary by the im-  
mature state of the families of the children as well  
as by their weak & helpless condition but besides  
that there are many families another class of  
members who are constituted such by a very an-  
tient species of civil contract & who become members  
of the family by stipulating to perform certain services  
for the general subsistence of the family under the  
direction of the head in consideration of certain rewards  
supposed to be proportioned to those services & which  
are promised them on that account by the head of the  
family when mankind came to be considerably

multiplied Then must have been many among  
them who had no other kind of support than their  
own labour & likewise their must have been others  
of greater opulence who for <sup>the</sup> sake of convenience would  
hand much in aid of the labour & services of others  
now if these two classes of people had always contine-  
d separate from each other it would have been absolute-  
ly reunion & both at the rich would have found that  
their property was totally unsafe to them & that they  
must soon have lost the qualifit part of it by their  
not being able by their power to guard it & tomorrow  
it on the other hand most of the poor must have  
perished for men want not being able to find the  
mean of subsistence by y<sup>r</sup> labour but the mutual  
<sup>confidg</sup> necessities  
of these several orders of men must necessarily have  
brought them together in the very early period of society  
in order to avoid common ruin & to attain mutual  
convenience now in this case the poor could not cer-  
tainly do better for themselves than apply to the rich  
who were able to furnish them with means of subsist-  
ence without inconveniencing themselves in the least

@ the rate on their part could have no other resource  
than apply to the poor who were able to labour in  
order to assist them in guarding against owing them so  
great a fee for performing such services for them as  
~~by conditions comfortable~~  
might render to them a their property useful & permanent  
The majority of a number of hand. An extensive undertaking  
would make the property of the rich to be quite uncertain  
so as to be unmanageable to them plus the want  
of so many poor might have forced an end to their  
lives unless they had found relief from the abundance  
of the rich but as they two orders of men are naturally  
independant of each other the poor on the one hand could  
not expect that the rich would sufficient them out of  
their acquisition for nothing nor could the rich expect  
that the poor would assist them in their labour without  
an equivalent The most obvious idea of provision  
therefore was with a view of mutual majority  
must have united these different orders of people  
by a mutual contract or stipulation the order of masters  
or the worth of masters & the slave contract w<sup>t</sup>

next to the infliction of misery & government  
of the most extensive & important kind is the infliction  
of poverty through the transaction under this kind  
contract have been always too little noticed in the so-  
ciety of nations & the transaction under it even -  
in the best governed countries continue in a great  
measure to be regulated by material misfortune only  
the world & interest of individuals instead of being the  
object of public legislation & regulation now the nascen-  
cy of both parties must have given birth to their  
only contract & the right & power of one party over  
another must have been limited & defined by the terms  
of the contract which constituted the relation between them  
now as nature has produced men very unequal in the  
economy of the means of subsistence as well as in those  
talent that an inequality for acquiring this & other  
ways has induced them with very unequal degree of ability  
activity ambition & desire & capacity of application  
this inequality which is perpetual necessarily appears  
to have been designed by nature as a law of genera-

tion in order to bring a huge several numbers  
of family together by means of their common in-  
trinsic conveniences & necessities so that it seems  
entirely analogous to the law of gravitation & epi-  
hem in the world of bodies accordingly this inequality  
in the sum of all man's order convenience makes  
strong government a social happiness because  
it produces persons who are fitted by nature &  
disposed by it to all the different departments &  
offices of family & for the different containing them  
in their proper places & with situations as well  
each of them according to their capacity to fulfill the  
different ends & offices of family for which they are qua-  
lified by nature if all men were indeed by nature of  
equal talents capacities & with equal degree of am-  
bition & activity no family whatever could possi-  
bly be formed out of them nor could the world  
have been organized even into families because all such  
implying Reordination the higher departments of  
it would in this case have been unwillingly covered

=ated

the lower order of officers or Society universally required  
I despatched it that hence would have ensued that  
obtaining which so many weak people of late have so-  
languidly hoped to realize among us we mean a party  
of men naturally equal in every respect @ a govern-  
ment consisting entirely of governors but by the  
law of nature such a party must be the most  
fruit & punishable of all others that an in-  
executable & undisciplined could not possibly pursue any  
longer than a head can do without a body or a  
body without a head to both of which it may be most  
justly compared in different respects If mankind  
were to be constituted by nature as many wild & ig-  
norant people suppose all society union & govern-  
ment would be utterly & eternally unattainable  
but nature ever kind to her offspring has ordain'd  
matters on a very different manner by endowing  
man kind with very different talents inclinations &  
dispositions & determining them to very different purp's  
& this not only by the difference of their inclinations &

capable but by the necessity & vanity of the  
circumstances in which they come into the world in  
consequence of which nature attains her ends with  
certainty with man though it is vanously supposed  
contradicted by some political constitutions & aided &  
supported by others —

— At Boston March the 25<sup>th</sup> 1779.

A family exhibits the most perfect ~~of~~  
pattern of a State as containing different orders  
who have their several rights, powers & duties  
<sup>as</sup> defined by <sup>the</sup> constitution of the family & all of them tending  
to its interest & maintenance. In a family likewise we do  
not see a just subordination & different distinction, both natural  
& civil as well as different offices proper for the head & the several  
members we will have occasion by & by to show that all they  
are equally members in a state or political body. In a family  
the head is destined by nature to command & direct & the  
several members are destined to obey & cooperate under his di-  
rection for the common benefit & comfort of the whole in  
which the interest of all the different members is one party

comprehended & the common interest depend not only on the copious  
concentration of the head to command but on the fitness of the  
incarnation & promptitude of the members to obey & to execute  
the orders that are given by the head or governor. The most  
skilled attorney's that are generally made use of for litigation  
bring the nature of a family or state is that of the human body  
which being the work of infinite wisdom must be conceived to  
be exceeding fit for accomplishing the purpose designed by it  
now in the human Body there are evidently parts above other  
parts & a different & distinct determination of each of the mem-  
bers to its proper purpose & none other & all this produced by  
nature itself & designed for the amendment of the whole. But  
when we discuss a subordination of different parts to each  
other & a cooperation both of the equal & the unequal parts  
to one common end & under one common direction a govern-  
ment now this order & disposition of equal & unequal parts &  
their useful adjustment to each other as well as their majority  
each in this order to promote the good of the whole is incontra-  
ny & equal to the intention of nature that the altering or  
dislocating any of these parts immediately produce pain  
& tends to destruction nor can this pain be removed till the parts

are again subject to that adverse action in which na-  
ture at first placed them an incapacity for executing the  
functions & for attaining the ends of our nature is likewise  
the necessary consequence of such dislocation. We must  
therefore consider the right of slaves as well as the duties of  
all the members of a family are necessarily determined by  
the constitution. The slaves rights & duties of servants in  
particular must have been fixed at least by contract a con-  
tract either tacit or explicit & by this contract they are ad-  
mitted into the family being considered to be originally strangers  
& not natural members of the family while the manners  
of mankind are very simple there is not that distinct no-  
tice of property or definition of rights whether to be found in  
older & more corrupt nations according to the ancient adage  
"Ex malo moribus oruntur bona leges" In a simple state  
of society men are prone to transact with others & do nothing  
by that purpose of fraud or anxiety to ruin their rights  
especially that becomes absolutely necessary in corrupt  
ages & countries In the first institution of servants therefore  
or at the first tacit introduction of the slave contract whereby  
the rights & duties of master & servants are defined & from  
which both of them arise it is probable that no express contract

at first was made but that the parties evidently trifled one another  
e depended on their mutual justice & this probably continue-  
ed for a very considerable time while the faithfulness of the  
servant & the gratitude & justice of the master continued  
in a considerable degree of vigor & were most commonly  
found to balance each other accordingly in our Lord's par-  
able of the labourers in the vineyard he represents the master  
as engaging the labourers without any wages or pre-  
cipitation in finding work or assigning the quantum of the  
reward which it was to give them & even at this day in  
many parts of England when people engage workmen who  
are strangers they generally make no particular terms with  
them but promise to give them what they shall they are  
wrothy of upon trial & this sometimes last for a month &  
sometimes for a year or longer after which the master & servant  
make a new agreement either upon the same terms or for  
mosty different ones according as they agree now it is proba-  
ble that in the early times of the world the engagements of  
the servant might be for life which by the increase of aca-  
mics in the master & of ignorance & indolence in the servant  
from thence might have gradually given up to the institution  
of slavery perhaps before any such value was put upon a

man labour he might lawfully & justly oblige to  
serve that master for life who had charged himself with  
the whole support or perhaps the term of the contract  
might vary according to the character & profession of the  
parties some might from a master's master or  
a man of liberty engage themselves only for a limited  
time while others that were much less sufficient might  
engage indefinitely or without specifying any time at  
all & while the great conveniences of the change of con-  
dition were most distinctly felt by both parties the  
terms of the contract would probably remain vague &  
undetermined but when the master either failed to be  
tarly in giving the servant the reward that he engaged  
or when the servant became more negligent in perform-  
ing his task than he had been at first either of these  
occurrences might have effect to render the contract more  
particular distinct & explicit So much of time it might come  
to be observed that the labour of any person in health was  
of more value than the charge of their food & clothing  
annuated to a slave who had agreed for no more  
than three years at the expiration of the term of their  
contract or perhaps as soon as they discovered the fact

might begin to impose on such further rewards for their labours as might enable them at some time to support a family & to become more independent on others & the mutual necessity of masters & servants would determine the scale of such wages at first on the same manner as they continue to do at this day but in the most early engagements & servants etc. most probable that the labour to be performed by the servant was not particularly & definitely specified in his agreement with the master the latter being always supposed to be fit objects of humanity & justice & the former being always willing to do as much as he was able but when other unusual labours came to be required on the part of the master or when a servant came to be possessed of a particular dexterity or an inclination for a peculiar kind of work he might come expressly to stipulate that he should not be employ'd on any other nor it being agreed that he should have a certain reward for his labour it must have been understood at the same time that the whole of this labour should be timely, faithfully & truly performed & for this purpose the servant may have been compelled to have

submitted humbly to the power of the head of his  
family & to have himself to be subject to such corrections  
in case of delinquency or negligence as should be found  
necessary for preserving order & for supporting the author-  
ity of the master but in case of the servant refusing  
the labour to the master or if the master is  
accordant to the agreement the master has no further de-  
mands on him but retains all his natural right & as  
the contract of the master fully exempted the time & ex-  
tent of application & had the same relation between as  
the law have to subjects in civil society & for this rea-  
son the master can neither demand more labour  
or any labour of another kind than what was stipulated  
nor invade any of the natural rights of the servant  
not affected by the contract otherwise the master may suffice  
even to cause a death where there is no civil govern-  
ment but no master by a contract with a servant could  
have any right to transfer his labour to another the  
humble obligation of the contract being merely  
confined to the master only & as it is of great importance  
to the servant in what family his master has contract with

be necessary to vary such transfer of slave but which  
is quite otherwise when the service made depends a trans-  
ferable by the original contract as in the case of indentured servants  
in this country. If a servant have a wife or children they cannot  
live in the same ~~as~~ <sup>with</sup> by the contract that alienates his labor  
either in that respects or property — — — but they remain  
as free as if a contract of servitude had never been made by the head  
of the family to which they belong while mankind continued  
simple in their manners & living & avarice were not excepted  
the condition of masters & servants — must have been  
very easy & peaceful & thus joint way of living together must  
have app'd, suited very much to an equality but when the mas-  
ters manner of living came to be much distinguished from it  
of the Servant higher wages with agreement & mutual prop-  
erty of master might have been the consequence yet human-  
ity would turn to the most the right of being supported by  
his master in his suffering to whom he had dedicated the labour  
of his health. If living a manner of natural justice as will  
as of the Roman Law "Cives est communis ejus debit & so-  
cius incommunis" the duty of masters & Servants  
and from the contract between them & from the common  
law of nature each of the parties must be concerned to be bound  
to do no injury to the other a to person & particularly the  
condition of the contract now as the master by the definition of

nature. & the lesser of the contract has the sole right  
to command he ought to exalt his part with humanity  
& justice & because he has the upper station in the contract  
thought for that very reason to have a more nice sense  
of honor & justice & because it is not for safety for the servant  
to hold him to the terms of his contract & it is for him to  
obliges the servant to conform himself to it he ought to be  
a slave to himself & to avoid the most distant suspicion  
of taking any advantage of his superior situation to the  
prejudice of the rights & interests of his servant. There can  
be nothing more evidently done or practice of original mean-  
s than to take the advantage of superior station to  
oppress the weak & defenseless & on the other hand there is  
nothing so demonstration of magnanimity or of a love  
of justice & a fitness to command as a nice sense of honor  
& keeping at the utmost distance from injury or taking  
indeed advantage. A proof of true magnanimity is  
more jealous of himself than of any other person whatever  
is well therefore labour by a liberal explication of the con-  
tract in which he is concerned to convince all mankind  
that he is utterly incapable of taking any undue advantage  
of that superiority which his station & the nature of the

contract gives him & puts a control on the master is ab-  
solutely necessary to have the command of the servant &  
to induce him to a faithful performance of the conditions of  
the contract on his part when he knows that his master  
differs all undue advantages on that hand & for this reason  
we see that it happens that the best & most generous mas-  
ters have commonly the best servants & vice versa. The  
man who knows how to command with dignity & humanity  
easily & the fittest of all others to make his servant  
to obey him with fidelity pleasure & exactness. The best  
state of masters & servants is when there is a constant even  
play, justifying Master there which if there shall be the  
most honor to his own character by the most faithful per-  
formance of the conditions of the contract but when the  
relationship is in the other way Master when they know which  
of them shall take the most advantages of their respective  
situation, the master necessarily different & the servants of  
both equally suffer nothing can exist a gratified &  
equitable behaviour in the servant more than an honor  
able & liberal conduct on the part of the master a triumph  
the one of them has a tendency to give rise to the other  
whenever such conduct is wanting both parties ought to  
blame themselves Augustus was exceedingly disposed to

appear grateful to every Body who had given him a  
even on day in a Court to judge with one of his veteran  
soldiers who had a case of <sup>great importance</sup> & depending in it was desired  
to be his Advocate. Augustus accordingly acknowledged the  
obligation & in view of this desire ~~one~~<sup>of</sup> his friends who was  
expert to be the poor soldiers advocate Caesar replied the

Caesar replied the soldier the war not the  
way that I used you at the battle of Axon I did  
not employ a Pittle but fought for you in my own person  
as the master of the sword will witness at the same time  
sharing his scars. Augustus was immediately overcome  
by the force of the reasoning & became his advocate in pro-  
pero & easily gained his cause on most sombre ma-  
terial. That magnanimity & purity of behaviour as well  
as dignity of sentiment were much more common among  
men than in general & particularly among people of distinction  
in ancient Rome than they are either when the compact  
between the master & servant is cemented by mutual  
confidence <sup>strengthning</sup> affection they happen to have  
with the men agreeable a reconciliation both nature abhors  
you in all things shuns contempt or suspicion as the  
worst preparation for parties that are engaged in any con-  
tract for performing the condition of it to mutual adver-

tage. It is common under the hand to treat of penal  
privileges or escape of those persons who for some great da-  
mages done which they cannot repair or perform yet do  
them against party are adjudged by labour by way of  
punishment either for life or a term of years with a  
view of making some compensation to society for the  
the injury which they have incurred. That such crimes  
nisi should be committed to sentence of the hand is  
most consonant to natural justice as well as to

c. We greatly to the honor of this state that  
their assembly have adopted this mode of punishing  
certain criminals and may be attended to the best of the  
interest of society and the execution of the natural feelings  
of mankind do not prevail upon them to repeat at again  
-not those who have thus justly lost their liberty whether  
wholly or for a time ought not to be under God or ha-  
ving lost all the rights of mankind but such offends  
only as are naturally fit & necessary to be compellable  
the damage or to give security to the public against the  
other injuries for the future. If the law were of the worst  
criminals are found after they have served all such part  
be punishment as the law inflicts or the fifty of the  
party may require it is unjust to treat them with any

farther onually provided they are willing to perform the  
labours which they are condemned to perform & they  
have a right to defend themselves when used against  
any new injuries or violations of any right that will occ-  
cur in them & are not affuled by their sentence &  
as this slavery is constituted freely for the benefit of others  
that power may be justly transferr'd without thus over-  
wreft all other rights still remaining entire  
to them but no capt. whatever can degrade a rati-  
onal creature to the condition of Brutes or of inanimate  
matter — so as to become wholly the property  
of another without any right of his own the condition of  
Innolude by contract & even of criminal privitude —  
— is not degrading to human nature why the  
condition of slavery of which we shall have occasion  
to treat afterward nor does it exope the Servants  
to infliction & oppression without remedy. The laws  
of my country enwall on the virtue of prop<sup>t</sup> of the  
Master when he happens to have any con-  
fined & put in his power before the benefit is reciprocal  
an every intelligent & well governed Society it is suf-  
ficiently understood that the master could have no right

able & helpful without y<sup>r</sup> assistance & y<sup>r</sup> Servant  
can't be without the service of th<sup>e</sup> master they are  
indeed mutually necessary to each other & their pa-  
tient would oversee the common run of both men  
ever provided by contract not only free for the use  
of society. The augmentation of publick happiness but  
for few other very important purposes. The first of  
th<sup>e</sup> is to give every one his proper place in society &  
an opportunity of exerting th<sup>e</sup> talents that nature  
has bestowed on them for the publick happiness as well  
as for th<sup>e</sup> use. Some men have naturally great  
parts or only well fit for publ<sup>c</sup> and manual labour  
and do not require much judgment & may be perform-  
ed by mere bodily strength under the direction of  
others more versed by contract as well as of  
personal merit though more often distinction into  
their proper station but if the very same persons who  
have been employed to make laws or to conduct the  
concerns of th<sup>e</sup> Publick their labours would not have turn-  
ed out for the benefit of society but by being thus em-  
ployed in manual labour under proper directions they  
may be as useful to society as nature has qualified

them to be very  
uncommon & hurtfull by be-  
ing put out of your place. Section next of Ribbles  
that no body could be a better servant or a worse  
master than he was, that to say, his oath were  
of the lower hand & he was a scold of generosity  
& magnanimitie more as the far greater part of  
mankind are of the best of men's nature has verily  
justified them to provide labour under the direction  
of others. Virtue again in order to be a scourge to  
~~such~~ a worthy people warranted by Providence to be an  
absolute Prince & the <sup>meaning</sup> filling up of his soul  
will or man or thievish in consequence of his exal-  
ted rank Sache Pancho the favorite queen of Don  
Quixote is despatched by servanteas propitious of as  
much ability & discernment as could be expected in a  
Spanish person & of much more evil you could have been  
~~despatched in it.~~  
<sup>If he did not prove equally in the character of the</sup> Queen of Spain of the State & though indeed he was  
the best governour that we read of in respect to the just  
use of his pretences yet this was not by owing to the  
short duration of her government than to his conduct  
in it he knew not what do in case of an alarm

he could not watch against them nor win over  
that the whole story of the government was  
merely a mimicry under the management of  
the master but as he now at least know what he  
ought to do & his talents were properly & usefully  
applied now of the world were turned upside down  
& the interests of nation quite confounded with regard  
to every individual it would make full as strange  
a figure as the present that is to be under that like  
an England Standard are not the Blockes of mar  
ble or stone in a quarry which may be cast of any  
size or in any shape that we please on the contrary  
each of them have a determinate capacity for  
relative & publick usefulness which he may indeed  
fall short of but is no education <sup>or training</sup> which power is able  
to augment or to advance one step further when  
the young man in the fall of St. Ipp who was fond  
of a cat had obtained from Venus by his prayers  
that his cat should be transformed into a beautiful  
woman his son found that he had stell the nature

and foul of a Cat — or on the first  
appearance of a mouse she gave chase intrepidly  
with only fear at the honor of her son Ladyhip  
In the same manner of chase or youthful folly  
should take a man of the same or ~~any~~<sup>other</sup> the  
size of Lance Panope a fit horse upon a throne  
or in a boat the fall of th Cat would be soon rejoyed  
as he would appear even in this new disguise to be  
as mean as nature let first made him being mea-  
sures of putting off his original ignorance & low habits  
men of this sort may sometimes indeed make  
great persons but it is commonly observed that when  
they do so they generally usurp one or other of the  
extremes of the major & second shifft wanting  
understanding to set in the middle so that private  
by mutual contract produce many extenstive & impor-  
tant benefits to society from men who could not have  
been otherwise useful & who if left to themselves without  
the spur of nuptio might have been hurtful in-  
stead of being profitable to the publick at the same  
time this — destination demonstrates not

only the wisdom of nature & her bountiful to ~  
te out, but has the greatest tendency to the happiness  
of their own posterity who occupy the lower department  
of human society for if they were out of their place &  
confabulate by public error or mistake in the stations  
of creation dignity or political jurisdiction they w<sup>d</sup>  
be miserably & uselessly employed in the most fatiguing & con-  
trary to happiness till they were again doffed of y<sup>m</sup>  
accordingly Horwartz most properly describes Tacitus  
Panthe as deriving this important lesson from the  
story of his government that nature had never mad  
or meant him to be a governor; but we can not help  
supposing that all men would be able to draw the  
same inference & to make the like observation on a  
like occasion the reader probably may think the Roman  
Senate & the metropolis Horwartz seems to meaf-  
ter the metropolis Horwartz made a good enough  
prospect for 3 days but might have been very ruini-  
ous if it had continued longer. — — —  
The distinctions of nature being so unequal & various  
with respect to different posterity each one must be happiest

as well as most useful on his own plan for which no man has qualified by the qualities which he professes. Every man is to be considered as valuable & praiseworthy when his services in the execution of his own plan & affairs is the utmost merit in his estimation without seeking to measure upon others it must fairly be added that he will be happiest in the same estimation —

Leith 14<sup>th</sup> March 26<sup>th</sup> 1809

— There is accordingly for the most part a great deal of men happiness in low life than in high for this reason that there are a great many more people in low life who are in their profession natural place than of those in high life living without any care except such as they have been used to & having no business except what they are fit to manage & without apprehension of any danger or apprehension of a change of fate those in low life who are with generally enjoy a tranquillity to which the most part of men in the upper ranks of society are liable strangers.

"O. foliularis numero suu si bono morient

appetemus.

We may find that this is always  
much more worth real enjoyment among the servants  
of a great house than among the master & the good part  
of every family etc & paribus pessim. men less of mind than  
the rich. Indifferens can & dangerous of high life are al-  
ways considerable & leave the rest for little shame. In this  
quality & this desire lunges enlarged by their studies  
often produce want that nature itself cannot satisfy —  
cannot satisfy so that Marials paradox of the poor man  
being less ready than the rich is confirmed by his infi-  
nitual experience "Diver est genus concili munere  
prospero cum que riant' ambo pernigris munere eff.  
The one wants luxury which always his health cannot  
purchase & the other wants a only bread which may be  
probably & easily obtained but demands sume by contract  
provides another great benefit to society whether that it affords a  
temporary place to men who are capable of or originally belonging  
to other stations till they deserve & improve their talents so as to  
procure an opportunity of a better situation now though a  
man in low life may not be qualified for the higher stations

yet many of those who are qualified for higher Station,  
may be very capable of the offices & duties of lower  
life the higher degree of wisdom or any other distinctive  
quality commanding the lower but not vice versa with  
regard to the far greater part of mankind nature has  
justly placed them where exactly or nearly whom it was her  
intention that they should remain but with respect to  
those that are endowed with strength of parts & activity of  
body often the limitations of law will not allow the rank  
that she designs for them in order that by the exertion of  
themselves they may both rise in time to their designed  
rank & prove themselves worthy of it one of the greatest  
the excess of impetuosity & calamity Prudence & experience  
with a laudable ambition in low life may often at-  
tain an opportunity of rising to their proper place as all  
history bears witness at the same time their talents  
entirely & ingenuity render them more conspicu-  
ous than if they had been born in high life & intellect  
recommend'd her that station in which they were ordi-  
ned "Maledic me domini mutant et iniquum aterunt  
omnes opusca proximi" but although the notion of the

equably of all men with regard to talents & capacity in  
will dream even contrary to experience or the intention of na-  
ture yet there is an equality of all men on point of  
natural rights which is true & equal to the creation  
of nature. Nor for example are any unequally  
qualified for sufficient philosophy & government but they  
have an equal right to natural liberty & the pur-  
suit of happiness in accordance with the interests of  
society no man has or can have a right to claim  
another man as his property or to oblige him to depend  
on another for the enjoyment of life. The condition & Recommen-  
dation of the different ranks is Equity or the worth of na-  
ture & necessity or forms a limit by voluntary con-  
tract but this naturally supposes that the parties are at  
liberty & naturally independent on each other before the  
making of the contract but the place & rank of every  
man is totally or determined by his talents & his the power  
of his endeavours in conformity to justice & the right  
of others & no other person has a right to govern or do to man  
any plan for him according to the notion that he has of his

talent & fitnes nature has determined men for doing  
different actions & offices yet every man however  
inguaranteed has a right to the station a office  
which he enjoys if he has acquired that as well  
as his rank in life ————— in a country  
with justice & the right of property now & or only  
in the latter capacity namely with regard to  
their natural rights & those that they have justly  
acquired that all men are equal but in respect  
whatever in respect to the endowment of the mind &  
talent for business or study as well as with respect to  
moral qualities perhaps no two persons ever were ex-  
actly equal to each other so far as it can be known true  
that all are equal in this respect but with regard to <sup>of</sup>  
rights & whatever nature or the laws <sup>in</sup> every manner  
equally & at all times equal to every other man in so  
much that if any of his natural or his just rights are la-  
than from him he has a right to be compensated in them upon  
any audience that the penal & expense of those who have injured  
him of this endeavor to keep them from him now it  
rests upon the ground only & not upon the will notion of

The equal right & liberty of all men to be free & rulers  
that the Patriots of this country wished & expected the power  
of <sup>attained their present independence</sup> ~~of~~ <sup>the</sup> thirteen <sup>&</sup> but the confusion of different ideas  
— has often occasioned many disputes in political dis-  
cussion — we have heard very much of late of the  
natural equality & inequality of mankind more less tending  
of all men are born equal & others are less sanguine in main-  
taining that they are born very unequal but it is but a fact  
that this untrue opinion can be no more just & false or anti-  
but the propagation of these different extremes have generally had  
diff. meanings & views of the question & have reciprocally  
inflamed the opinions of each other so the most part of that  
they maintained their respective opinion in too diff. man-  
by confounding the diff. inequalities of men Mr. Thraspius produced  
his first essay on that subject which was the foundation of his fame  
& which obtained <sup>the</sup> prize from the Academy of Utrecht In that  
Essay he gives an — an elegant detail of all the misfortunes  
of men in comparison of the degree of their inequality & changing in  
all to the account of works only which he represents to be  
totally unnatural & with a view to recommend the savage  
state in preference but his arguments indeed are very ingenious  
& his narrative elegant & affecting but neither the one

nor the other an just or solid because he has omitted in  
his account all those innumerable advantages which surely  
arose from that very inequality w<sup>e</sup> his death h<sup>t</sup> earthly lament,  
but many authors since that time have seen it. Mr. Poughaw him-  
self in his treatise on the usual contract have noted that if you  
with much more accuracy & distinctness on the other hand the  
celebrated Mr. Paine in his play entitled common sense has  
rated the equality & merit hard far too high & on a very wrong  
founding entirely forgetting the natural disparity of their  
birth & capacities. But the opinion of both these writers might  
properly recommended by the help of the definition already mention-  
ed the most plausible definition of Pythagoras on these writers  
who endeavoured to establish it on the basis of distribution just as  
on the other hand the advocates for anarchy who now greatly  
abound are most specious & speciful when they endeavour to up-  
hold the rules of commutation just as relate only to the  
natural rights & lawful property of men to all the diff<sup>t</sup>  
ranks & offices of society as if any had a natural title to  
them or as if the whole surely could possess them at once now  
as their just due belongs only to God who is infinitely wise  
and all omnipotent & who places every man in that rank  
& office which he judged to be most fit for the execution of his

purposes either of mercy or of vengeance to human society.  
commutative justice again belongs to men & consists in  
maintaining every one in the enjoyment of the right given  
to him which God has thought proper to give him. & to  
repose them to whom whom he has been unrightfully deprived  
of them; but the confounding of the two forms of justice has  
unpended like errors on that of the inequality & equality  
of men in a free republic & grounded in any other state  
every man has a right to any office of the state to which  
he is regularly appointed & elected by the equal & constitutive  
powers of the state but no man has a right in  
commutative justice to demand any office whatever as his  
right or property or right to think himself injured when  
he has no office at all because the supreme legislative power  
of the state allows no man to demand any of in whatever  
~~as his~~  
~~right or property or right to think himself injur-~~  
~~ed when he has no office at all because the supreme legislative power~~  
individuals to discharge the duties of them with greater or  
less success is injured by not being elected to an office  
though he may be exceeding fit for it but far less is he  
injured when he is not fit nor often heard that by the  
constitution of a free republic all power is originally  
in the people but as they cannot in their proper persons

is in of people —

enraged & give them place this meaning can only be if power  
all they have by singular labor collected & concentrated in  
other offices after what the people have no more to  
do with it till the time is expird for what they officers are  
dictated if they wherein of the act according to the law & when  
that time —————— expand & the people must  
immediately desope of it others or to th. same person if they  
please but cannot retain it a single day in th. own hands  
or have a right to sell or to give over  
pertinent to th. appointment of a magistrate is on theng & to  
have a right to be appointed or actually choſen in a g. State is ano-  
ther every citizen of a free republic has a right to th. left but no  
man whatever can have any right to th. left except by the  
election of his country men this indeed when obtained constitutes a  
right for a certain term but does not acknowledge any prior one  
artful demagogues have endeavoured to exculp rebellion in  
funding of high debts by persuading th. ignorant a principal  
part of th. citizen that they are greatly injured through th. bu-  
reaucratice offices of th. state or not or their opinion but have been  
given to those who were elected to them

now they were endeavours to make them rebel against  
th. own house & to attempt to take down in an illegal man-  
ner what they themſelves have constitutionally made now if  
according to thip demagogues every man has a right by

commutative justice to any or all  
the right at all times & consequently ought to be justly  
in offer & every man ought likewise to be in all different  
offer at one time according to commutation every man  
ought to be maintained in <sup>perpetual & uninterrupted</sup> enjoyment of all his rights with  
out exception now according to this way of reasoning no one man  
can possibly be denied to any offer without injuring every other  
member of the state who certainly has as good a right to be ap-  
pointed in commutative justice as he has thus according to  
the notion all men must be governors & all of them must  
be in every offer at one or all the infipic to be their right  
so that nobody at all would be left to be helped or to be govern-  
ed but it is evident that these Demagogues have another notion  
also to bring forth <sup>sometimes</sup> we indeed they have that all property is in the people  
& that consequently every man who thinks that he is in want  
may take from another till he thinks he has enough which  
at me.

to domine life Although mankind are divided into different  
nations & there in a great measure according to the distribution of  
nature or giving them unequal endowments yet all men  
are not & indeed cannot be placed in the highest situation  
for which nature has qualified them yet no injury what-  
ever is done them by this because it is the act of god who can-

nothing in any one

appointment of Providence to prefer living on all those  
right & opportunities that he has received from Providence in a  
just & lawful manner

to be a servant but as God & the law  
have made him a master no power on earth has a right  
to discharge him under colour of distribution justice considera-  
tion may be in the condition of a servant who posses him not  
withstanding a sufficient capacity of such a command as  
to fall on eminent station in life

injustice through the grovi-  
dome of God who is the free disposer of his gifts can do no in-  
jury to any man for he is ought he do in any

or fraud but on the contra-  
ry he ought by contentment of station & by doing the  
duties of his station faithfully to wait an opportunity  
of being granted him of changing his station for a better —

" Nulla

" outlet on nucleus

"

enjoy in a proper manner another man perhaps proper ship  
station in a very high degree but has no place at all and

conclusion & distribution is here worth in this ratiō turn out  
the lawful & proper organ the state to the other who had attempt  
to manage it but then would be a very great crime & w<sup>t</sup>  
overturn all right among men I judge it is moreouching  
on the beginings of government & making on false judges  
of the world What induction of a temptation to many  
poor men to commit crime that they concurred that

& perhaps would never miss "Exile damus off ab iron  
& multa seipsum & dominum fallunt & perfundunt furi-  
bus" But the law does not judge concerning any man  
but his to enjoy earthly

to profit it which I will repeat in  
all cases in the same manner or families the head may  
often have many faults or weaknesses & may be guilty  
of negligence & maladministration in some things  
station & rule only over  
his own family the members of it ought not to defame  
or defraud him nor to entit themselves unto judges of  
his conduct but they ought to suffer it to his government  
& by patern & custodians  
grievances which it would be unri-

primal le Cherk. of ratifying in such manner

# Letter 143 March 25 Thursday 1789.

Many children from false notions of distribution & justice  
from a conceit that they had a right to exercise it have  
persuaded themselves that because their Parish has money enough  
yet did not give them what in their opinion was sufficient  
for their pleasure they might claim especially when they had  
an opportunity that other nations have effected among wants to  
not their masters because they thought that they were so much  
covetous & did not give them sufficient rewards for their services  
but it is easy to see that notions of this kind are the source of  
all lawless & property & tend to overturn all quietude in this  
familiar or placid in which they prevail many independent  
debtors citizens in England & elsewhere lately perswaded them  
selves that it was not just from all power was in the people  
that any of them should be obliged to work for their living  
while the servants & officers of the state whom they appointed  
had more money than them all who were their masters.  
None of the bond generally rest upon daily labor & false  
notions of distribution justified to make them thus believe  
that it is not just that any officer servant of the state

gentle people under him were lawfully while any of the  
people his lord & master are expected toward this alle-  
y. In the middle age the Knight Errant went about  
redressing grievances & upholding justice according to  
their best notions of honor & justice but they were so far  
exempt from blame at that time the Roman power was  
butly extortions from a established government had  
yet taken to place but to endeavor to destroy an establish-  
ed government equally on your own making & to delige  
spurs of our own doing is a degree of insanity which is  
without any example on the other side of the Atlantic  
of for which plainly any punishment can be sufficient if  
men will not be subject to a government of their own making  
or dare to trust even for a single year, usages of these own doing  
it is manifest that a just & just government is not what  
they are seeking but a total subversion of all law & just-  
ice which may give them an opportunity of enriching  
themselves by the plunder of their neighbors "Good provt  
a nobis fluctuat fortuna in gubernatione" The most  
famous among the ancients can be many among the  
moderns a few friends can be found who have

never entered into any contract nor received any  
reward but are kept in servitude by force we mean <sup>natural</sup>  
of slaves the most ignorant & unhappy of the human species  
The instance of the power of servants though indeed a  
reproach to human nature may be traced in most  
nations to the most remote antiquity & appears  
to have been one of the most early of all of ancient  
nations though they learned are not equal to the time  
or manner in which this abominable institution was intro-  
duced into the world Some imagine that it was the  
effect of a gradual corruption of mankind by contrast  
when poor men had found full & a plentiful provision in the  
families of the rich it is possible that they might be  
so grateful for their bounties which were rendered more  
agreeable by the remembrance of greater want or  
necessity to bargain for any reward from their mas-  
ters not to think of leaving their families in which  
they had found an asylum from want the hard treat-  
ment of their masters might excite them to extreme  
confidence & with such days in the family onto  
which they had voluntarily entered as servants & the

Some kind treatment might encourage them to marry & thus children being thus born in the family observing the manners & customs which their Parents yielded to the head of it would concur from their tradition the very same sentiments & counts naturally imitate all the attachment to the family that a good man has to his native country nor of the farm gods. Inasmuch still continued a sense of gratitude & a due to the former attachment might arise in the children's minds concerning the families in which they were born & in proportion off them the children that were born in a family might be confounded as from one obliged to remain in that family & having no attachment altho' their obligation would be easily admitted on this part there are many of mankind & in age of simple manners there must have been many more who by the association of their families the parents of these children & their want of ambition will constantly have a tendency to remain in any situation in which they can obtain the ordinary comforts of life & persons of the first in all ages have been easiest made slaves & kept under subjection being totally unconscious of any original rights & unable to estimate the value of their labours or help of their parents

they might be safely made to believe that the sume of  
their whole life were little enough to compensate for their  
adventur in these tender years especially as they could have  
no prospect of help & succour after leaving their native family  
other than that of entering into another of the same kind  
either the same terms now under these circumstances  
or in other parts a confined crew would always expose  
their native family to any other as confounding their masters or  
their just benefactors they would readily put them under  
the same kind of affliction that should be to their parents  
when they are caught to live & run upon them they are ca-  
pable of knowing the nature of their relation to them or  
how much they had done for them the manner in which  
affliction upon him often come to be confined onto a  
night in other cases gives great probability to this opinion  
at least we know that the national plague of the children  
of Israel in Egypt commanded in this manner from  
confining a part of the kingdom & having at first only  
the care of the king's cattle they might easibly be  
led voluntarly to perform some other taskes severall from  
more gratitude which at last came to be confidenc as

ought & the whole race came to be屏ed the property  
of government perhaps the refinement of the Egyptians for  
the awful ministry - of Joseph who during the years  
of famine had rendered things at home and imposed  
a land-tax of 20 per cent on all the subjects might  
have contributed something to this event for the king not  
knowing Joseph must only be under flood of per having  
forgot the prince which he did to the crown for there never  
was a king of Egypt from his time who literally did not  
know Joseph & perhaps not a single Egyptian has known  
in Egypt to this day a very equal work in that kingdom  
attributed to him a very thing that is bad or attributed to  
Pharaoh what did the learned Monf. That this is of course  
to imagine that Joseph was the Egyptian - - -

Osiris when captain of others travelled into Egypt about 100  
years ago he was advised to take the name of Joseph which  
was of very great use to him & freed him in a great measure  
from the insolence & with which the peasants of that country are apt to  
treat strangers but to return the more prevailing opinion  
concerning the origin of domestic slavery is that it took its rise  
from war & that when prisoners were taken in the field which  
perhaps was not the case but first an exterminating war was

probably the drift their biers were found in consideration of  
their becoming slaves to the conqueror with which themselves  
closely bars in bears give the account of the origin of slavery  
whether that they were called slave-people because  
they were confined in the field but the origin of slavery was  
doubtless far more ancient than any word of the later  
language or even the Greeks which in older by many ages  
it was ancient idea that the -conquered were entirely at  
the disposition of the conqueror who might either spare them  
or kill them as they pleased — These living tell us that  
according to the most ancient tradition after the battle of  
 Troy all the Trojans that fell into the hands of the Greeks  
were slain except Odysseus & Antenor with a few of their followers  
Women & young children were spared by the Greeks though  
being often found won within the walls of cities when the  
numbering the taking of a city is generally mentioned at the  
same time the extermination of all the male inhabitants  
This writer says is Alcinous —

"Eliot me

"Elizabeth you

And in excess of time even men in arms were spared in  
the full condition of leanness, flaccid to the conqueror.

it is very probable that both the practice of sparing —  
that of killing prisoners continued to be in being at  
the same time according to the different characters or differ-  
ences of the conquerors but the policy of sparing prisoners  
was introduced much more early in the East a few  
King of Elam carried away captive the inhabitants  
of the city of the plain of God or instead of putting  
them to the sword it is also probable that avarice rather  
than Humanity first dictated the method of sparing  
the conquered "Vnde can spiss captivam occidere nisi  
"Si non iustitia per captiōnēm aut pœna  
"et argit strudis temeraria in undis

But when the practice was once introduced it soon became  
general & they who were separated from family & became  
slaves & were subject to all the laws of property & came  
to be considered as mere tools or inanimate matter in the force  
of property & custom that Aristotle <sup>have</sup> don him to be sensible  
of the unlawfulness & injustice of Slavery but thinks that  
some men were born to be slaves for the same reason  
most of yourments were of the same sentiments & it  
will easily be quoted many moderns who are yet no infidels  
of humanity which is as it were a sign over among Barbarians  
sometimes produced some small relief or alleviating the condition  
of slaves as some countries particularly in Africa had for

The most part thus condition was only such as could be  
expected from men of mean souls invested with absolute  
authority not the man who can comfort to be unjust  
is ashamed to lay any claim to humanity whether  
in most confidencie whom he has in his power or  
having no rights at all of their own & entirely at his dis-  
cretion it is indeed propriety respecting an infelicitous  
human nra for to adduce my argument to prove the  
unlawfulness of Slavery but scarce can I have  
so much blinded the generality of men that they are not  
capable of feeling the force of my arguments abounding for na-  
tural liberty against that an intoll but 7 years of hard  
Injustice in Algiers which were freed of justice & humanity  
would hardly suffice them with sufficient knowledge understand-  
ing men than all the arguments that could be adduced  
a person of virtue & honor would need only to try the institu-  
tion of Slavery by the important maxim "Quodlibet  
fieri non ies attiri ore facies" <sup>I</sup> <sup>be</sup> when con-  
sidered how unjust it would be in his opinion for anyone  
to make them a slave he would conclude without hesitation  
that it must necessarily be as unlawful for him to make

a Slave, any other without designing to injure any person but with an杂质 of the greater or all others have made. Some were impudent enough to defend an institution which none of them could think just, but as India is <sup>wrote in defense</sup> themselves, for we have never yet heard of any slaves who spoke or wrote in defense of Slavery, though they of all others must be best acquainted with the happiness of that state what some of their unskilful masters have had the impudence to pretend to defend in scandalous publications, pray some of them have even had the assurance to bring in divine revelation as countenancing this vice & endeavour to defend the institution of Slavery by arguments from holy scripture it is true indeed that the slaves were permitted by this law to buy slaves & even to buy their own countrymen when they had become bankrupt for a limited time when the true religion was confined to one family for servants the palm which these offenders held to bring slaves for domestic service when they were obliged to colonize in the true religion because the souls of men are more valuable to God than their bodies this gives an irreconcileable conflict to many who were already in the state of slavery but the just law sufficiently reprobate Slavery by making of the punishment of a person who had not the spirit to leave his master when the term of his service was expired Mr. Caring that was continuing this to slavery by the judges has now sufficient testimony against that institution

This sentence was inflicted only upon those who  
deserted their masters and were generally considered to be the legitimate  
slaves to him master who had fled to them for refuge they therefore  
they were neither allowed to leave up nor to return to the master  
nor of their law or the greatest consider a fugitive slave as  
a free man & orders him to be treated accordingly which if  
itself is a sufficient testimony that slavery is contrary to the law of  
god as well as to natural justice which is inherent in her laws.  
Now if a slave becomes a fugitive the property of his master  
whether by conquest robbery or purchase it would have been  
contrary to natural justice to have retained them from their  
lawful proprietors because that which is contrary to natural  
justice cannot be the object of a divine command.

Now as that you were expressly forbidden to give slaves  
back to their masters enjoined to protect them & should we  
not then that the institution of slavery is contrary to the divine law  
and is to the law of nature. In the new testament indeed no ex-  
cept prohibition of slavery by name is to be found but when we  
read these words of our Lord "whatsoever things ye wouldest that  
men shouldest do unto you do ye also even so unto them for this  
is the law & the prophets." We utterly impossible even for the most  
bigoted slave master to understand them on a constringency of  
that institution as many slaves were considered in the  
beginning of Christianity they were not injured by the



debase the mind of the slave or that of the  
the master. & the qualities I desire much might be  
said on both sides but the Human Souldier that were  
chained to their conquerors for the sake of poverty both of them  
indeed may be said to be in equal bondage & warne & the  
love of tyranny lies in the master as surely as fear or mean-  
ness of spirit can to the slave & to that though they shall  
one another mortally yet neither of them have courage to  
think of parting. The people called men of manners  
have had the name of being perfect & Society who have left the  
form of truth in this nation & deserted the rights of man-  
kind by the light within them but still honest and  
unwobkent individuals were always of the same opinion from  
the beginning of things that shall never have the honor  
the we do not know yet when it may be called fully of man-  
a new creation truly & at a great distance all the  
abolition of slavery but in safety banding the flesh  
of the poor & the law appoints nobody whatsoever to  
carry it into execution & may probably prove a dead-  
lock as the law for the observance of the sabbath; besides  
the negroes - know nothing of it & in the course of 21  
years, fifth generation will have many opportunities  
to regain their freedom but if a spirit of honor justice

humanity could be really introduced —  
early meager & despotic afflictions incident to world  
to fallen upon to establish power on infestation which  
whilst last must be fatal to all hope of improvement  
& most severe. Note man a gang or abomination of  
sin & man slave cannot be member of a family ha-  
ving now no benefit except at the one of greater &  
being therefore incapable of goodness as well as not bound  
to it their subjection being merely forced & unnatural cannot  
be enforced by the family of duty & the master having no  
right whatever to obedience can not be persecuted to be guided  
by us of their power than by those of force injustice by which  
it was first acquired for with regard to purchase money etc perfectly  
ridiculous & disgraceful to human reason to think that the law  
of nature can be altered by any thing of that kind or that the  
liberty of a man can be in the least affected by a sum of money  
which paid by one self to another. In enumerating  
the duties referred to property or justice in its largest acceptation  
omitted  
one purer property a. Belonging property to Economics  
& indeed we might have mentioned it first of all under the  
head of the common law. of which the family which intrusted  
its property of very little value in a haphazard business  
of it to expose it to the last place in contracting with

the substance of what all domestic relation are to each other — Friendship is the bond of private parties growing from motives of particular & humble attachment we have hombolne to all men as well as other hombolne who apparently merit but Friendship is a species of hombolne connexion which is prompted not solely from a regard to the human race but by some peculiar qualities of the object of it Friendship constitutes a relation which is often found to be stronger than many of those which are constituted by nature itself & is liable to object from certain qualities whether natural or moral which appear shewing a great & remarkable similitude of manners or propensities to constit-  
ute friend though not always similitude of manners but when both these concur the attraction is easily formed & more apt to last accordingly the young & the old the grave & the gaye, the rich & the poor may be united by the bond of friendship many of the antient ~~of~~ <sup>of</sup> contention very extra-  
ordinary nature of friendship a imagine that it could not exist without the love & even perfectly similar in taste humor & manners & excluded <sup>were</sup> a third person from the same degree  
of affection but they speak of <sup>friendship</sup> in high degree that it could not be  
supposed to exist so consequently rather diffringed than  
admitted at by the very highest terms in which they express'd

They mention -

themselves on the subject have almost all been known,  
as Friends an city in Paris Whifus & Pantoufles  
and Plegades & Damon & Pythias, are almost all of them  
said to mention as belonging to the perfect school of friends  
but the ancients were more on the last or methodists —  
methodists in point of Friendship & perhaps did it us  
little service by their high things which they have said of it  
as they others have done to us by concluding that  
perfection was attainable in the present —

Albion 144 March the 26<sup>th</sup> 1797.

What was truly commendable in the doctrine of the  
ancients concerning Friendship was that they uniformly held that  
virtue was necessary with those of it & that this kind of union  
was especially to good men "Idem velle et nolle ea obsecrum  
est prima amicitia que inter bona appetitiva apparatur inter  
miles factio" Union of affection in vice is not only a bad  
example as being adverse to justice & the spot of society; but  
is, perhaps, very dangerous; because vice is naturally a, & diff &  
deviating principle & cannot connect men any longer than their  
interests are connected so that that connection which is formed  
by vice is often broken in a short time by accident time or  
constant humor unwilling & casual provocation now & then

can distinguish true or vicious friendship. Friendship may indeed be termed the ultimate & cement of virtuous minds by which they are not only brought together but kept together in a much closer society than other & most of us among mortal bodies those which meet each other in the greatest number of points are capable of the strongest attraction from minds whose natures supply the greatest number of resemblances & traits are capable of the strongest friend ship in such order that men may be capable of being friends to each other but must be common friends & enemies "Sicut uni equum amici atque agri amici" According as capable of various degrees modification according to the temperance after a talents of the parties between whom it subsists we have mentioned it as the groundwork of all the domestic relations without which that which is general to them cannot be performed or deposited upon them as by both husband & wife the division of property ought severally to each of them the relation of husband & wife e.g. cannot be a happy one nor can the discharge of its duty be fully & heartily performed without including virtuous Friendship as to those a man sense of duty is mutual interest or the effect of personal qualities & external endowments are

Idly sufficient for maintaining that degree of affection  
that is necessary to infuse the happiness of the relation  
The great intimacy which subsists in it must discover many  
latent dispositions & create such capital provocations &  
offences as nothing except a firm friendship could probably  
bear or prevent from ripening into a rupture. Friendships  
where the ground colour underlying suspicion suggests the  
of late jealousy of all the domestic affections & friends  
this extension from present disappointments or external causes now as  
friendship with a cement of vicious characters every good man  
must be capable of it with regard to every other good man  
or rather to the degree of merit which he esteemeth to be  
capable of a this merit is not only the measure of friendhip  
which determines that share of it which we ought to have to each  
but it is generally the growing or operation cause of fit at the  
beginning we may indeed feel certain unavoidable attack  
from the attraction to persons whom we are very little acquainted with but this cannot be called friendip; but only propitiating  
or linking us up in an confidence on good information that they  
are persons of virtue & honor. Wh. makes a singular pectoral is  
the matrimonial affliction makes of its object as well as the

which confidence that implied in that relation  
renders the opinion & suspicion of each other within  
a society necessary for the happiness of the parties concerned  
in it now the idea of Friendship is of similar to  
that of the matrimonial relation that the one may be  
properly illustrated & explained by the other. Indeed they  
differently indeavoured in the singularity of their object in  
which latter respect some of the ancient did not  
undistinguish them because they held that the relation  
of Friendship a well as that of matrimony could  
exist only between two persons. Aristotle & good  
Athenian gave it strength that Friendship which  
consists of manners & sentiments an interchange  
of good office is not only useful for the progress of society  
but for strengthening the friendly affections. Now the ancient  
referred Friendship to be a kind of virtue or excellency  
in itself on account of that elevation & dignity of mind  
which is necessary to suggest the higher degrees of it  
but although Friendship is not in itself a moral  
excellency as the ancients imagined, yet a capacity  
for friendship certainly is so. now a wise distinction  
between capacity for friendship and one who

I am thing Friends like matrimony infestable  
a community of interests & a reciprocity of affection  
I always require mutual indulgence candor and sym-  
pathy & right to continue mutual Pandery all action  
a change of fortune. This is founded on personal qualities  
a has virtue & honor for it. Major last Queen of Eng thought  
no virtue or gift so nobly rewarding a most valuable  
gift from Heaven to the subject & the object of a  
friendly disposition implies virtue a moral excellence &  
to be the object of the Friendship of the virtuous implies  
one being capable of that quality, now as very excellent  
quality is said claim to by many Hypocrites & preten-  
ders the worst of men not only have other Friends, but  
sometimes even pretend to be friends to the vicious in  
order to contiate honor to themselves with equality that  
insufficiet to be implied in Friendship belongs only to  
the man now a higher degree of it & may therefore  
be the earnest of the relation of Parents & children  
as well as that of the children of the same family &  
over laborst matters servants as we have observed  
already that fortune has no share in this kind of con-

mutual Similitude of manners may be expected in  
families though it is not always found & when the  
latter is the case the relation & affection will be very feeble  
"Pratum quoque genitio rura est" That when friends  
live near us the relation & affection the one is other  
with the Friends the Friends of Friends & all men are not  
equally qualified for it the allowing each other mutual  
acquaintance such a plan in our Friends who are pro-  
bably related to them who live appears to be most equitable -  
Beneficent action conciliate friends & according to its  
natural nature & certain Planes & a great deal is ad-  
ded to their upright & obligation by the manner in which  
they are performed now friendship not only strengthens  
the Friends domestic affections & relations; but it en-  
ables them also to strengthen by uniting over them & by  
uniting hostile families & persons who had no attachment  
to each other. The close society of the Domestic life & the  
Family arising from it necessarily requires the cement of  
Friendship though the mutual defects & little infirmities  
that may arise among men in relation, might degenerate  
into hatred & render the relation itself insipid & uncon-

fortable. Hartin & Simoni are not only capable of mutual  
friendship; but friendship is even more common perhaps  
between them<sup>2</sup> than some other of the domestic relations &  
in all well ordered families their friendship is not only real  
but also extremely lasting & attended with many  
incampliances that prove its <sup>perpetuity</sup>. The Friends of manumis-  
sion will be chosen from among their servants as none of their  
subjects are supposed to be equal to them in rank. The  
performance of contracts a corrupt practice, though it is an  
act of justice or not without barding justly recompensed mentioning  
a procedure of a degree of Friendship but that which  
most effectually contributes to equally liberal unequal  
relations is either a certain manner of acting that in-  
deed personal affusion as well as a sense of Justice or  
certain words of interrogation which cannot be de-  
manded in justice now both these are perplexing evidence  
of collusive & vicious affusion on that light may be  
concentrating a procedure of Friendship - Slaves cannot  
be members of a family because they are totally unadapted  
to friendly affusion towards their masters & this is  
thus turn an as lief unacceptable of friendly affusions.

lewards there a relation that a master who had been  
fond or afraid or only a continuall of hospitality & accord-  
ingly it was considered among the artifices in this very  
light Slaves were consider'd as prisoners though some-  
times at large a sum time shand Whip who serv'd as  
porters were shand to the doors which they us'd a grea-  
deal slaves in the country generally us'd in particular  
by the Roman law all the slaves of a family were  
answerable for each other's fidelity because when their mas-  
ter was slain all of them without exception through sometyme  
amounting to many hundred were immediately put to death  
without any trial or inquiry & they were liable to be sold  
and if they were found of the least design agains't you  
or of offering any thing in the house the Roman could  
no fidelity from the order of Servants & justly comiv'd you  
to be incapable of having his lands & ther precipitate relation  
to their master was destitute of justice & hostile to virtue  
& therfore utterly incapable of being comiv'd by friend  
the the law of Jamaica at the day made at a cap-  
ital sum for slaves were to touch for arm lefft  
they shold have the rest of them & despite themselves  
one of the Roman had conciev'd that it was of little

for Slave to be friends to their masters they write now  
how mad them are mutual for one another which in  
very great families much augmented the misery & tor-  
ment of their unhappy condition because every one of them  
was abnoxious to suffering not only from the barbarous  
behavior of masters regard to them, plus last consequence  
of those persons that were exalted by others as well  
as by the conduct of all the rest of ignorant afflators, & im-  
posing bonds which may indeed be consistent with the state  
of Slavery. The greatest Barbarian is not always a Brutal  
but may sometimes be subject to that kind of Commanding  
that resembles good nature hence even Indians have  
families adopted their enemies & many noble gentle-  
men of Jamaica have given the liberty of their lands  
by shooting negro slave for their masters. We to be de-  
fined however that the sufficient afflictions above are  
consistent with the state of Slavery the Savage want  
one to inflict them or hunting in place of her rule.  
He who is plain & the Narracea Planter no slave  
to his what makes ever the hang things a slave  
quale to it for a time but an slave & thus masters are  
insipidly incapable of mutual esteem by the very

Corporal affliction

laws of nature they must all be infallible instruments  
Slaves being introduced by force cannot be deprived of the  
domestic affections accordingly all thus affected can only be  
the effect of fear or baseness hostility. To live in the  
midst of slaves very much resembles a certain kind of  
dane that was known among the ancient which was  
performed amidst the courts of nations world, and that the  
it should quiet despondency yet our Lord in this situation ex-  
tremely dangerous & on these accounts dispensable to a  
soft or vicious man. our Lord represents it as the  
most miserable situation that one can possibly be in when  
when his for an thief of his own household but the other  
miserable master above of his own situation & here voluntarily  
though not indeed purely in the midst of his enemies concealed  
that he had made a presentment & remembrance of queen &  
announced injuries & constantly rankled the mind of slaves  
& of him that had others master in the highest degree  
strength & ship paper continually writing ought to  
be conceived as so many bands of going wider in a family  
which though harshly while kept at a distance from  
the fire to keep back may contribute to destruction  
but when once in that living train or however de-

termed by them avarice when perceptually among  
their enemies provided they can engage their legion in  
the service of their luxury & avarice virtues and -

Loving elevated minds are naturally turned to  
peruasion & always seeking for objects of various affliction  
the very thoughts of nature malice & reportment are disagree-  
able to them & the objects that exalte them most life of  
iniquity that elevates a sense of dignity which is proper  
to honest minds would not suffer them even to an act of  
prince which was not dictated by duty & affection for  
him until they chose to wear crowns that cannot properly  
be dictated by either a state that is full of misery can neither be  
said to be just flourishing nor well governed & the very same  
obligation equally applies to family to be educated among  
those whom we desirably esteem & to be abstemious from our  
bitter year to the excess of various afflictions is a preparation  
for finding the greatest & beneficent. —————

## Lecture 145 March the 26<sup>th</sup> 1773

On the other hand those who are educated in the exercise of contempt have  
bad & injurious tyranny & oppression are ready to have the same afflictions &  
be guilty of the same misbehaviour towards their equals tho' not in their  
power & consequently have a nefarious tendency to be bad members  
of society Tyranny & Slavery are correlative & cannot exist without  
each other Tyranny a nefarious to retain slaves in perpetual terror &

plain for protection or necessary to have Tyrants in tolerable good  
humor. The Devil is mighty good says the proverb when he is  
well pleased & in the same manner a Tyrant when his desirs  
are proceeded by th affusion care of his slave sometimes suspend his  
rage & exhalts for a little time some appearance of y mildness of his  
mean nature until he is excited by provocation when he immed-  
ately assumes the Barbarian in the same manner beast of prey  
have sometime been tamed to a considerable degree by gentle usage  
but the sight of blood or th least rough treatment is enough to create  
this savage nature & original tempest. The most generous & unrestrict-  
ed friends of mankind is of we take place between persons who are entirely  
independant of each other. The law of nature indeed is no obstacle to  
friendship but ought on the contrary to be an encouragement to it we may  
reasonably expect to gain the often & good will of those who are already  
connected with us by ties of nature easier than those of others. The  
matrimonial contract interposes our honor & good faith on y side of many  
good offices as well as by the personal qualities which concili-  
ate at first ingratiate is liable to jading though the high  
degree of it will bear w<sup>t</sup> pending on flattery of its natural  
affection will also sometime bear with many ungrateful returns  
though each of these — naturally tends to ex-  
tend the friends a natural affection & common qualities  
or hypocritical & artful pretensions to virtue will sometimes con-  
clude friends to the amissly distinguishing discerning  
the baseness of their faults the attachment that was easily con-  
tructed vanishes immediately. Proceeding in its higher degrees  
implies such a free communication of our sentiments as the gen-  
tleness of y Hypocrite by whom it is performed or of course by  
himself but as regards to them who are origi-

ability of mankind are any unfit for either for the disposal  
of friendship are only open for educated minds that are gifted  
of wisdom & particularly a disposition as well as pure affection &  
similarly of manners. The friendships of youth are common-  
ly sincere & often warm; but sometimes injudicious & rarely  
wise & lasting; but when virtuous & educated both of similar  
manners happily meet in youth that friendship is apt  
to be the most lasting of all & acquire considerable strength from  
age & continuous connexions with the vicious who are often great  
enablers to friendship are of the most dangerous consequence to  
youth & therefore the parent & that those connexions are  
the greater must be the evil that will necessarily grow from  
them certain men may indeed derive from vicious qualities  
& the enjoyment of vice virtues which may catch the un-  
wary but they are utterly unequalled while they continue  
marked by a vicious propensities falsehood & treachery in  
particular as well as the same appearance of a selfish spirit  
as deadly & fatal to friendship. It is not indeed a favorable  
symptom in youth to be of a suspicious temper yet in observing  
this fault we for requires that they should proceed with  
just caution a person who demand all no persons who ex-

just that we shoud honor him with our entire confidence  
that we may be very justly assured of a design to establish  
such a quiet untroubl'd & good living before the knowl-  
edge of any thing which there doth not seem to concern  
us to us & when the communication of a point is evidently  
done curiously or design rather than precipitately may be sup-  
posed to be in either of such a prattling trivial mention  
as one of the bad practices of the Roman plam that they who  
began unto the people of Sambras in order to be adored & to meet  
with better aspect let them first divulge what they know —

"Pere volant puerula dantes aliae

"Nam frigida aera par perfuma

The like design your posterous shoud effect in their who  
have a great fondness to be acquainted with their private aff-  
airs who desirously intitid that your posterous shoud have a  
full peecil or off the last book w<sup>t</sup> the condicior of humen  
life that then in alwayes many things relating to every  
one which it woud be both imprudent & dangerous to divulge  
to others & th<sup>e</sup> suffis cause that we are here well advised  
to shose & to counsele them from all without intermission when  
we recommend to you to takeen off print these marks only  
of first things as are communicated to some & not to others

your moral conduct specially ought men to be a punishment  
young persons are engaged together — in base disgraceful  
& unclean designs surely become a necessary bond of alliance  
or in order to favour their projects as well as to defend them  
from clemation & punishment but when a young man is en-  
gaged in any shameful project or結合 together with  
others there will be no fault of malice for hating that project  
or for apprehending or discovering

"Arrianum me tecum alii unquam

"Commissumque stages et vens tortus et via."

that though we ought not to pay into the hands of others yet  
if they voluntarily intrust us with any thing in confidence we  
ought in justice as well as friend ship to keep it concealed  
if such a conduct is unoffent with veritas & the right of others  
the excellency of a generous mind is this that it enableth to  
persuade not to abuse even an indifferent & ingospit  
confidence those who tell their own friends can scarce sincerely  
complain of others for divulging their secrets when they  
have not been faithful thereto for they ought not to be per-  
suadē that others have not been faithful to them. A famous  
mischief in the last age offend a many few of Plato's men  
much in order to get an important point out of him  
telling him at the same time for his encouragement that

be needed to under our apprehension that he makes friends  
any farther so you can keep a secret w<sup>t</sup> the Statesman Yes  
saye the Bishop I can depende on mine to be a good man  
we can only say of the person who calleth his selfe intrusted  
to him that he is diffidate offidelity generosity & prudence  
as well as of strenght of mind which will be sufficient for  
the higher degrees of friendshipp but in the ordinary course  
of peace in which there are always so many complaints  
the person who titleth his own selfe commonly the just offender  
the betrayer of it only the second person who are prone to anger  
a subject to sudden gusts of passion among impropt friends  
knowing their affections cannot be testifying a whatever is un-  
trustable to them they are soon to blab on the very first provocation  
Pride & haughtiness are lecherous inconsistent with friend-  
ship hence a good man will never think himself suffi-  
fiently gratified nor be sanguined that others are surely  
insipable of the honor of his friend ship besides he will be  
apt to exact such forced compliance by way of gifts of  
presentes as a generous mind is incapable of submitting to  
or condoning lewdnes which who are

Leveller although it cannot  
annihilate either the distinction of nature or that of for-

sun must however rest upon them & bring  
them to bear as little as a piston as possible the revo-  
lution of ship's sterns being the cause of the  
endless foundation of the sea for artful & ambi-  
tious men though they are extremely sensible of the distinction  
of fortune will however take care to behave with great  
rigor to ship's crew if they want to have constabulary  
in their midst the appearance of real friend ship which  
is quite competent of superiority & plenty of talents  
may however be confidant with friend ship as well as  
inequality of fortune but the same caution must be  
observed by the officer who has the superiority as in the  
former case. Intemperance of every kind is an utter  
obliging factor for punishing & though some drunken  
men ships may pretend to much unmitigation  
they commonly end in fighting in a very short time &  
die at the very same making in effect they common-  
ly die but the mere animal sympathy of both officers  
is by no means synonymous of the name of Bravery  
& commonly depends entirely on the strength of the discipline  
with which it was at first contracted & generally wa-

porating along with it. Soule of Dabancher @ w<sup>ch</sup>  
such girls cannot admit of justice though they  
may extinguish obliquely & fully for a time by com-  
mon injuries but malice or fraud soon put an end  
to them & they die a natural death in a duel. Rob-  
bers & gamblers often pretend to be men of honor & will  
reach very high degree of popularity & merit other yet  
the latter of these will calmly sit by his friend's flame  
when his good taste has forsaken him & his gift will  
often impack his

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the noose. Young people often times don't  
consider the qualities of character of those with whom they unite  
in friendship & on little scrupl. of the importance of their  
choice which will cause of the extremely short continuance  
of the friendships which they contract. A virtuous friend  
institutes a particular relation to tht that are connected  
in this way and will be ungrateful persons as anti-  
posed to equal friendshp with their friends though they  
will always be just & in a certain degree kind to all. The  
affection that is afford'd by friends to each other ought  
always to be ready free & unclenched for the only when  
the attended with their circumstances that it can be paid

to ground from  
to be planted although it is commendably granted it aids  
may be said to ground from a regard to duty rather  
than from kindly men have very unequal conception  
of what is to be expected from friends but those  
who are well informed together will not be apt to  
mistake in their particular the reality & warmth  
of the affection in the best instructor & must all be in-  
formed in what we ought to do in consequence of it, till  
when this is wanting all rules & definitions will be  
found untenable

Show him fully frankly what we  
want & expect ourselves we ought readily to afford to others  
& if we do not feel ourselves capable of the duties of  
guarding we ought not to be surprised nor to complain  
that others are equally incapable of them. —

to request a a list of friends, the law of morality  
will therefore be the same to every virtuous person as the  
law of nature & perpetuity & he will thus himself in-  
capable of transgressing them in any instance or on any  
hysterical whatever true friendship will teach us to re-  
spect the honor & character of our friends much more than  
their humors or partial interests. It will even lead us to  
suspect their dispositions in order to perceive their inhi-  
biting a reputation a base & cruel companion or no  
part of virtuous friendship other wise with a professed  
or evident & thus faithfully by this that they do not  
shame about in this friend ship consists however in this  
being incompatible with generally a friend like  
such disqualification man for friend ship the virtuous man  
at least can only consider friend ship on a particular  
kind of trade which he may turn to his own adven-  
tage at the expence of others. It is therefore a man  
keeping game for any one to enter into engagements of  
friend ship with men of this sort because they cannot  
continue any longer than they gain by the bargain

the countries.

man decline off a Shanties Port nothing can oblige him  
to part with his money now although the friends he  
has the mutual interest of the parties looks about & judg-  
es not the charge which I may put them to yet  
it respects the views & contemplation of what  
when it is made the chief motive for entering into friendly  
~~convention~~

- " Simpura cum plurim nobis folis cris
- " Difficilium eadem
- " Cum iugum frater

Persons of great fortunes are exposed to having many  
to them solely  
from views of advantage men who are men of state  
are still more unhappy because nobody approaches them  
except in a doleful something perhaps it might be with  
a view of buying off this kind of friends that the policy of  
Eastern Prussia has in all ages set a giddy high tax upon  
their audience & appearance of strength by making  
that none shall approach them who do not bring a consider-  
able present along with them now by this means they not  
only get wholly rid of those who have nothing to give which  
are by far the greatest numbers but of those who cannot part

with any thing nor trust the least part of your property  
out of your own hands & if that character who is incapable  
to suffer by ~~the~~ <sup>any</sup> manner of ground.

They put it in their own power to gratify some at  
the expense of others & to give a great many presents with-  
out being at the smallest expense through a person who  
constantly brings a present is not inclined in gathering  
to expect one in return nothing inferior than a  
gift as the proverb has it "no gift but is more easily  
completely transferred than what is done in the way  
of any one intended to have dominion by a present  
in hopes to obtain a greater nothing is fairer or easier  
than to drive their expectations by shewing them that  
they are not designed to follow their example Lesser  
mankind ought not to despise friendship though vice  
is a sufficient ground even for renouncing it before  
all those qualities which if they had been known  
they would have hindered us from entering into  
friendship when they come to be known fully we  
can't be separate from them when

infidelity to

erate from those who have denied us & intrusted  
us into their friendship by a seeming appearance  
foreign to their real character. Bequeath once defended  
the cause of a most infamous man & surely because he  
had been his friend when he had different thoughts of  
him Ambition or the spirit of party is the greatest disqualification  
of a friend ship. Selfish opinion controls the mind  
& whatever appearance they may assume can have no  
other or higher interest in view. An ambitious man is devoted  
only to his own interests or to the service of his party & his  
friend ship or rather the continuance of it merely as a means  
to increase the number of his followers or as a step upon  
which he may rise higher than others for benefit from such  
a person are conferred only as retaining his favor undivided  
service & when when this is obtained the friend ship of the  
ambitious must rather be said in their moral taste more  
kind of their humor & vegetation beneath th. bagfitt  
know will often be required of them & th. qualities for such  
must be made on their part but a person of real virtue  
will have at the utmost distance from all friend ships of  
the kind. The object of an ambitious man is to profit  
& aggrandize himself but he is not apt to be popularous

in the show of the means that may contribute both  
and e will help the most exacted accusation rather  
than the most just & honorable yet when such men meet  
with companions of the same character their connivance  
will sometime have many of the appearance of either  
or friendship as the one will not be ready to demand  
any favor than the other will be to perform it but the  
consideration of his base & scith on both sides & its dura-  
tion may in very short if the master become incapable of  
carrying his tool or of the tool becoming unfit to his mes-  
ter they one will soon or tend not to know the other  
how long since they have been acquainted or how intimate  
soever they may have been without passing dinner and so  
dignity from their friendships would never contract any  
connivance which they could have no fear to disavow or  
to be ashamed of in consequence partake of that work  
which we have the first to value according to the praisefit  
mention our an will work differing according to that  
of access <sup>of</sup> Paterum of Laudari a laudato vero.

In Stating the sanctions under which external  
we insisted at large  
on the foundation of duty as due & owing to those of religion

that of compeling law or property belonging to his place  
in which we are off the land of Totter or the

Although all mankind are originally of one family  
yet when their number were greatly multiplied they could  
not be long governed on that manner. The head of the  
family behaved like excep<sup>t</sup> a civil junction of pro-  
mulg<sup>t</sup> laws & rules.

law of patriarchal families which im-  
mediately induced the patriarchal. Sir Robert Wilson  
has endeavoured to prove notably that the paternal govern-  
ment of the world was patriarchal which need not be  
doubted but that adam & afterwards Noah left

the patriarchal govern-

as if the same laws of usurpation had been established from  
the beginning which soon after wards became in  
very early periods of time obnoxious because had particular  
privileges. The chief of which Sir Robert contends  
was an  
were obliged to conform to submit to an authority

He has given us neither by which we might differ  
even though it were of Adam

your nation and as to believe nor even with the monarchs of the  
earth themselves unless they could show that it is sent  
in a direct line of Progenitors from the eldest son of their  
of Adam or Noah.

has endeavoured  
to supply this defect in favor of the Royal family of France  
in his treatise on the antiquity of nation, & the origin  
of families

The Abbe was labouring with no less diligence  
to establish his right to that seat of which he was in  
quest by endeavoring to derive his descent in a right  
line of descent from Noah

But leaving these visionary fictions which have  
no foundation in either <sup>or history</sup> it must be acknowledged that  
the original government of human societies was patriarchal because  
families are more ancient than Kingdoms or States. Natural  
affection & filial reverence must have been the fountain of  
patriarchal authority & the commands or injunctions of the head of

the family would be reverently & ready submitted to lay all his  
standards but when families had multiplied into many other  
families & when their habitations were removed so a great distance  
from the residence of the Patriarch especially after their flood when  
the period of human life became more contracted families be-  
came gradually more estranged from each other so that the very tra-  
ditional knowledge of this common original came to be forgotten  
among the greater part of them of the laws of mankind had always  
consisted of parent anterior of Pedigree had been duly kept &  
correspondent regularly propagated the world would never have needed  
any other government than the patriarchal accordingly during  
the period that elapsed from the creation to the flood it does not  
appear that any other sort of government than the patriarchal  
was established or known of in the world Cain having forfeited  
the privileges of posterity by the murder of his Brother  
the right of patriarchal dignity which then was equal to  
jurisdiction descended to Seth who was given or appointed instead  
of Abel upon the race of Cain appears I have said under  
the same kind of government & the number of the two races  
produced like Giants or Colossal men who filled the Earth at  
one time & all perished the general deluge; but when  
families were widely dispersed languages divided the

period of human life greatly protracted general communication became impracticable & consequently the memory of their original Battalion would rapidly decay among the numerous & scattered tribes of the children of the tradition.

carefully yet unknown & no man would venture to prophesy for perpetuating the memory of past transaction. The Patriarchal government however existing like most others a natural & the only one holdeth thought of wills actions of course among these scattered families but human cupidity intermixes itself & mutual injuries would soon exile them to states of violence & such would immediately one for others among a rude & ignorant people till great differences & confederations  
there was made among the now scattered contending for their property & dominions a confederation mutually uniting & natural resistance as well as common fighting would combine in forming various alliances both among the injured & injured tribes probably a sentiment would not prevail that if those should draw their habitation from each other still formed by extremely & encircling ships to conduct their expedition they might naturally be led to suppose strength courage to age & experience which might gradually intro-

the kindly Government through the affairs of mankind  
most have been somewhat differently ordered in different  
parts of their dispersion.

introduced whether by violence or not  
is mostly the power that was set up intended to contrive  
effluent means for securing the common & particular rights  
to prevent the subjects from happiness in most parts for  
avoding what they had intend intit. The sanction of com-  
pulsory laws are any feasible means employed by men to vindic-  
ate their own rights & those of others wherein an unequally  
influenced by their passion. a who under their dominions very  
little sensible of the right of others. It could not be expected that  
they could be long kept in their due by a revenue of such  
a body

had been tract.

sold from the natural father to the political chief or  
governor mean. Therefor must have been devised becom-  
ing to help to support the rights of others who were not suffi-  
ciently sensible of the sanction of duty & this though it  
would be at first may have been the first element  
of compulsory law which supposed that men are well enough  
informed of their duty but refuse to comply with it from  
greed of being or a sense of hurting others. now find

is the only mode of infliction of such loss & guilt as can  
hurt the economy of the community & deprive  
the right of others but in order to induce the party in general  
to concieve this application of violence. The intent of the  
offending party must have been very clear of such a  
wound concerne every offender & the person of the injured  
or punishment. The principles of compunction law ought for this  
reason to be few & obvious that all men might be able  
to distinguish between law & from a violent rational &  
legal authority a qual than of compact must have ta-  
ken place in the formation of the earliest government  
ever in those that over their origin chiefly to violence  
but one man could not properly use violence to a  
number of others to induce them to turn his follow-  
ers or subjects on the contrary he must have proceeded  
with a considerable number in the way of compulsion  
other have made use of that application to do  
the rest but when he had once established his authority  
immediately became his chief interest to protect & defend  
that people that had given him to point which could

only be done by law duly enacted securing the rights  
of each wrong person being entitled to defend himself & his  
fellow creatures may redress any wrong impartially by force  
as the prohibition of wrong is the first commanding law of  
nature now this being evident whenever a wrong  
committed has a right by the law of nature to redress or re-  
quest it a wrong person being supposed to be condemned  
by himself the wronger of wrong may be considered as only  
executing the natural law of self-defence or to be protecting  
the rights of others any article in the body of a man which  
may be maintained by force who has no right now assist  
with efforts of Justice & let the law to secure the rights of  
communities & individuals this right a like manner  
shortly they ought to be maintained must just & defend  
or consider in works differer what conduct & rights may  
be maintained by force conduct required or prohibited under  
the sanction of compulsory law & the subject of Jurispru-  
dence other respects of 2 parts the first of which relates to  
rights & the 2<sup>d</sup> to the definition of men a right is such a  
relation of a person to a thing that no alteration ought  
to be made in it without his consent now the term ought

in the definition implies a sentiment of moral.

our actions & we

have naturally a sense of justice the motives of human conduct even in the use of force are ultimately referred to the feelings & judgments of the moral faculty which in all men is the source of the conservation of rights & the prevention or repelling of wrongs. The law of morality therefore on the great foundation whereof of compellatory law which it only applies & canus under execution & of compellatory law is necessarily directed to any other end than the conservation of rights a redressing wrongs & consequently is no longer the execution or application of moral law & loses all its title to reverence & becomes lawless violence a right therefore is such a relation of a person to a thing as is conformable to the law of morality, & every man may defend his rights by violence on that account unless the state of nature before the introduction of regular government the defense of every man's rights & the redressing of his wrongs is committed entirely to himself & he ought to manage it according to the best of his knowledge & power but all wrongs even often committed which no single person or his family con-

motion or advocate cause at the Barudry

in order to furnish a few

that might at all time be equal to the charge of defending  
the one right & redressing the wrongs of another. This of  
course would best serve the inflation of civil govern-  
ment by declaration & execution of compulsion law es-  
sentially in the hands of the magistrate except only in such  
cases when the right might be lost & the wrong past

Matters in

all which case men are full in the state of nature & are  
entitled to defend their right & redress their wrongs in the  
best manner they can able & with such means as they  
can procure. Things are the possessions of a person or the  
constituents of a persons state & to both those a man  
may have particular rights his Body for instance is a  
thing to which he has a right & constitution of his person &  
his family fortune & estimation are things that he has a  
right to as constituents of his state. right is such a relation as  
any from distributive justice or the appointment of Providence  
so that a man has a right to all that God has given him &  
to all what he has acquired under the protection of his own  
done without encroaching on the right of others & therefore  
he may maintain the right by force it being the object of

communicative justice a compellitory law to perfect all  
those rights that are contemplated by the contemplation of  
law of prudence & to redress all wrongs that an un-  
mindedness against them - a regard to the rights of man is  
comprehended in the law of self preservation contained  
with the law of society or in other words the sentiment of  
right is inseparable from our disposition to prefer our  
own & our fellow creatures wrong as a violation of right  
now the moral sentiment arising from a sense of wrong  
in our own acts is exaggerated by refinement & in that  
of others by indignation which is conceived in the apprehen-  
sion of guilt in one easily & suffering in the other to defend  
our rights therefore also redressing our wrongs as well as  
those of others is agreeable to the law of our nature & we  
are determined to it by this as well as denied by our nature-  
nal propensity in the execution of it no man can have a  
right to that which is not possible or which is not real  
to demand any thing of that kind therefore as mat-  
ter of right is done't wrong and it is impossible that that  
should be any man's right what cannot exist at all  
or which is not in actual existence the right of any one

the claim of any other to the same thing a man's soul &  
body being appendage of his person are things to which  
he has an original property natural & unalienable rights  
& whatever things are necessary for the support or com-  
fort.

in a confederacy with the right to  
of others @ the law of nature he has a consequential  
right too which is really included in the first because  
a right to our soul & body would be of no use or duration  
unless it comprehendeth a right to what is necessary for  
containing their union & making it comfortable  
accordingly every man has a right to natural  
support as well as to natural life but he cannot have  
a right to the property of others for that purpose ex-  
cept in three cases of extreme want & when other lawful  
means of procuring support others could not afford or  
had been used in vain thus in time of famine the  
state of nature returns & the right of property is suspended  
by necessity so that a man may then right for the  
mean of life & acquire them by force from those  
who are possessed of a sufficiency the same state of nature  
returns on the occasion of plague where one may remain

tours a plant or part of the thing

of his life against all men  
even against the owner because it is the first intention  
of nature that a man should preserve his own life with  
all his force & that private rights should cease when the  
common safety is in danger & each individual ought  
to fight for himself the right of property an indeed said  
while they can be maintained in a consistency with the  
primary or natural rights of others

nature ought not to  
be maintained by force against primary or original rights  
thus a person may have a good right of property to a  
fountain of water but he can have no right in consequence  
of this to hinder a stranger who is parched with thirst from  
making use of it the right of property has become in  
oblivion.

of men & consequently it would be a wrong to  
maintain it by force friend or adversary rights  
therefore ought always to be observed a subordinate  
to original ones

before ought is  
owed to all men that they may know both when  
they are defending their own rights & when they are

wrong is sufficient in law to know that he is doing so  
because nature has given him an opportunity of knowing  
as much but thought he may be so much und.  
The power of passion is not to be denied that he  
is doing wrong therefore nothing less than death can stop him  
nor hinder others from defending themselves against  
his attack but he is then considered as a madman  
who has lost the use of his reason & who therefore

injury -

The confederation is the foundation of all defensive war  
as well as that of legal group w<sup>ch</sup> man being allowed  
by the law of nature to defend his own right & those of other  
neglect innocent.

With first part of our duty to the public which is injured  
under the sanction of compulsion laws & as by nature  
the rights of all men are different from & com-  
patible with each other the person who intrudes on  
the right of others must expect that those persons  
whose thoughts he attacks being possessed of the

same nature as himself will defend their rights  
in the same manner as he would have defended his

and be violate the right of others must expect that  
you will be who against him a ought to be conceived  
to be onward for the consequence of it know that radical max-  
im of the Roman law now malignant & quasi contractus  
which requires that a party who commits to do an injury  
has taken his suffice of the consequence that the aggrieved  
may by you or exacting the penalty of the law upon him  
resemble the performance of a contract of which his  
committing the injury was a condition

now the upon of the quasi contract with regard to the inno-  
cent or protection & defense in the enjoyment of their rights  
they having performed the condition by abstaining from  
injuring but this is an consequence of the quasi contract  
with regard to the injurians in that they shall be punishe-  
d for the committing of the wrong being the condition on a  
the upon was performed the upon must take place of course

a right may be  
maintained by any means that an offical &  
necessary nature allows us to use up all means without  
which we could not maintain our rights but every act  
on prejudicial to the rights of others which is not necessary  
any both maintaining our right is a wrong except  
all accordingly though done in the course of defend-  
ing our own rights other wise they who inflict our  
property

confused but we  
may not take away any good that are not our own out  
of that hand what we have lawfully obtained as this  
is by no means necessary for maintaining our own  
rights we may however resist those that endeavor to  
hinder us in the pursuit but we may not go out of our  
way to hurt others who do not oppose us or do any  
damage that it is not necessary for recovering our  
own rights ——————

Attal 14<sup>th</sup> March the 30<sup>th</sup> 1793

The law of defense includes 3 clauses first that a wrong apprehended may be prevented 2dly that a wrong offered may be repelled 3dly that a damage done shoulb be recovered now all these are equally necessary for the effectual maintaining any right & consequently agreeable both the law of nature under the same condition namely that of preserving the right of others as far as is consistent with maintaining our own just precautions for instance preventing wrongs as are not inconsistent with the rights of others must be allowed as a command under the law of defense exemplifying particular marks on our goods incloping securing & watching over them an guardians of their kind but we cannot lay hold on any person or a mischiever that he designs to steal our goods until this suspicion is confirmed by some overt acts such as his entering a house fire or flattle or exposing himself visibly for the commission of injury for doing such acts as evidently tend thereto even in the stage of the action the injury may be prevented thought it has not

hahunglau but it cannot be punished in the same  
degree as if the alter had been complete but only in  
so far as anything so done is guilty, that is, the  
criminal ought to be obliged to find bale for the safety  
of the proprie<sup>t</sup>ors goods for such a time as the positive law  
declares to be necessary. In the second stage of the action  
namely when the injury is offred the criminal intention is quite apparent & therefore the criminal may  
be inflicted even unto death he or verfans in electio  
& therefore the law affords him no protection and does  
to those who are maintaining their own right but and  
often happens that the damage is done & the criminal action  
completed before the injured person knows of it or has it  
in his power to defend himself. The law of defense must  
relate to the actual regeneration of the damage at the ex-  
pense of the criminal if it is possible if the criminal  
can be found but when either the damage is of such a nature  
as cannot be repaired such as the loss of a man's life  
or when the criminal cannot be found the right of

compensation is qualified by necessity. In this case  
however a punishment may be inflicted for the sake  
of example or often enacted "in statuum damni" of  
injury but this belongs to positive law. People may be  
confined either in respect to their persons or in respect to  
their goods. In the first respect they are divided into person  
al & real & in the second they are divided into original &  
adventitious. Personal rights subsist in the person to whom  
they belong & relate to the constituents of his nature. Every  
man has such a right of property in his own person that  
none can make any alteration in it or any disposal of it  
without his consent & this right while not polluted by crimes  
or unalienable even by the person who performs it, is that  
liberty or the innocent use of our persons & faculties in the  
pursuit of happiness according to our own inclination,  
so far as is consonant with the rights of others & one of  
the personal rights & unalienable rights of human  
nature which a man cannot alienate wholly even  
by his own consent except by a crime which is equal

As a comfort among "those actions on no small  
peculiar of a quasi contractor" & how as all the rights  
of men are founded on the distribution given of God they  
must always be understood in a consistency with that  
as well as with the rights of others. The will that God  
has made to every man of the constituents of his own  
person or not a right of dominion but only what the  
lawyers term "usufructus" which empowers him  
to use his own person for his own happiness & adver-  
tage but it is not a dominium dominium which in-  
cludes the power of alienation that right being in God  
only at all times & not liable to be disposed of by  
any other person except in conformity to his law &  
order. The person therefore which way man has of his  
own person by the law of nature is only an indepen-  
dence at the will of the grantee which indeed gives  
the coproper a right against all others reserving  
however to the grantee the right of returning into  
the possession of the grantee when ever he pleases

Now this infamed right or dominium divinum of  
the Lady is totally incompatible with all course of  
alienation in the possessor so that man neither can nor can  
be proprietor of his own body or libertie but only mere  
subjectus, iuramento, at will. Hence no man can  
have any right against God or any that is not derived  
from him & subject to his Government. This furniseth a  
most argument against slavery which sheweth that it can  
not even be made lawful by the consent of the slave  
himself a man may enslave alioe his own labour  
for a limited time on condition of his being till it is  
expired but he cannot give away or assign over to another  
the absolute property of his person because that right is not  
in himself & it is a true axiom numbered quod non habet  
the claimer of a place that he pretends he has but a right  
in or over his person & perfectly as God alone by the law  
of nature can have over the person of any man whatever  
This sheweth further the crooked argument against  
slavery. a Tenant at the will of the grantor, which  
as we have shewn all must be with respect to  
be with respect to his Person may possess of house or  
Tenement

tenement for any Time during the Will of the Granter.  
I am bound to manage it during that Time "tangam bonis"  
"paternas" but he has no Power to sell it to burn  
it or to pull it down or even to abandon it without  
out the Will of the Granter because the Bounder  
ries of the <sup>of her Rights</sup> may be large  
with the boundarie of the right of we may rise or  
alienate what in property we own but we can-  
not alienate that which is another's  
without the express will & command of the proprietor  
now god has forbidden all men by the law of his  
creation to alienate their lives & liberties as when  
they go to close they are guilty of clipping  
& curtiling to their own use that which is the right  
& property of another but as we may not use our freedom  
privileges or liberty to the prejudice of the rights of  
other men must life ought we to use them to the  
prejudice of the rights of another which are no  
respecting eternal justice immutable & unalienable  
all the use therefore that we can have a reg

law of God

& bounded by the law of nature & morals which are  
the laws that cannot extend to any thing that is in

justly with respect to get or make Person in law  
an artificial or natural & artificial natural person  
are single men who are unfeleld such immediately  
by nature it self, but artificial person are corpora-  
tions communales or States which are constituted by  
positive laws or the consent of those concerned now  
those latter persons as well as the former are posses-  
sed of rights which may be called personal & in-  
heriting either in the community or artificial person at large  
or each of the individuals of which it consist the rights  
of natural person, subject within limits & members of  
the Body in the plenitude & talents of the mind & the  
lawful uses of both now not only the taking away a  
man's life or liberty but also confinement wrongfull  
imprisonment assault & beating maiming performing &  
wring injury done to any of the members an violation  
of the personal rights which ought not to be done except  
for a crime which defences it by the law of family  
or for the safety of the whole but the rights of artificial  
persons subject in their constituent members their form  
& other laws as well as all that property which is

voted in them by the constitution of their corporation  
so that artificial persons as well as natural have  
these rights which it is necessary to protect as those of  
individuals now the rights of individuals are gained  
only when forfeited by crime or legally alienated by  
themselves or voluntarily exchanged for an equivalent  
as former has granted in favor of these states that the  
right & property of an incorporation or artificial person  
may be taken away by the supreme power without  
any notice or charge against said incorporation &  
without trial & upon hearing or examination now  
there is doubt robbery & forfeiture of all the rights &  
property whether

our members will agree that the legislators of this  
state have now removed all such power of seizing  
or alienating the property of incorporation & inflicted a  
flagrant usurpation of that kind which took place  
about 10 years ago

in the construction of law they are equally  
capable as natural persons to possess property & to enjoy all  
the rights & privileges completely by law to natural  
persons now no man can be dispossessed of his prop-

held  
and heard & tried by his Peers & convicted of some of  
pernicious acts the law awards the power of罚 for the  
very same reason if there is any such thing as human nature  
no corporation can be deprived of its constituent mem-  
bers or of its property for no law except by a legal  
trial conviction on a charge of high treason ground against  
them or of such other crime as by law is declared to merit  
the pain of forfeiture to plead the will a determination  
of the Legislature or executive power on this question is  
manifest tyranny because it enables a legislator the  
legislator to take away the property of every man however  
innocent without trial hearing or conviction of other  
ground which would be manifest tyranny in England  
or even in some arbitrary countries has been for a considerable  
time as lawful

the world but to what purpose have the inhabi-  
tants of this country fought & bled in fields or mortgaged  
their estates to foreign nations or domestic speculators or to  
what purpose have they continued to pay the interest  
of their whole debt without the enditors receiving one half off  
it full the property that they have remaining may be  
taken away from them in an instant without the shadow  
of a cause or any hearing or trial whatever but fol-  
lows a express of opinion are now & thence to be diffe-

There will be a fault in many instances allow-  
notwithstanding of the profanity of Scammon & the people  
of the country who would not allow a Unitarian party  
most a power of taxation over them have yet am  
ple authority their own legislators with a power of anni-  
hilation of corporations all corporations  
without

or consider now it is most obvious that by a party  
of reformatory they may & give any man of the  
rights & property in the same manner as a man  
like him has been actually voted away by one of the mem-  
bers of Highgate now of this or the next when in their  
liberty &

the very person who did the injury the late Dr. King  
names left the Kingdom for the violating the charters of  
the city of London

equally fatal to any other person  
who would attempt the like injury in the first state  
of the unit of great Britain the people of the country

they filed that they were legal cor-  
porations complete by charter

could not lawfully be taken from them  
as they had committed no crime by which they could  
be forfeited These arguments were quite unanswerable  
but who could have imagined that the very same peo-  
ple who so properly urged these reasons & took up  
arms in support of them

use the paper & fort with the very  
same rights which they themselves had so justly held  
to be sacred absolutely & iniquitously violated by all conve-  
nient & those equally in all claims & under all constit-  
utions & forms of government

thus though he shrank  
to invest his with the robes of authority & entrusted with  
the power of making laws a trust on which he insisted  
that was fit only for himself and meant a tyrant, such  
will make up men of legislative power for the benefit  
of themselves & their confederates without regard to  
dealing justly or the rights of others & with regard to  
reputation as such men can have no character to lose  
they reason so far unanswerably & justly in having no regard  
to it & for this all men were persecuted & commis-

of their nature & personal rights. "Sicut haec affectio  
affili" Real right  
is it in things of which any person may have the  
exclusive use & may be referred to 3 principal  
heads right of possession rights of property & rights  
of command

Letter 160 March the 20<sup>th</sup> 1707

By this definition of Rights it is evident that there are  
certain things as nature has made common to all & are in their  
nature incapable of appropriation & therefore cannot be the exclusive  
rights of any one. light, air, & the power of passing over the sea  
are manifestly of this kind the use of running & marginal waters  
appear to be of the same kind though more capable of being appropri-  
ated than the others. The use of high ways, lanes, chambers, lath,  
pump etc as well as the right of demanding protection in public  
ways & paying for them I suppose although constitutes a right  
but this right continues only when a thing is in actual use thus  
a chamber in an inn a hat in a boat or a flag on a mast or a  
bush on a ship of which we have oft peculiar possession are  
part of our rights only while we possess them & may be main-  
tained against all others merely force but as soon as we

have quieted them over right expenses & we cannot insist to  
be referred to them by force a sum time if they are then  
in the payable of occupant opposition of others a settle-  
ment on a debt owing or otherwise of the same order it  
is a practical legal presumption while the first occupant  
on his return eject

another settler who has taken possession of it in his absence He  
had found it common at first & he left it such therefore the entry  
of opposition of the 2<sup>d</sup> settler was legal & warrantable as that of  
the first but the first settler has no right to recover by virtue  
of his former settlement because all the right which that can to  
give him naturally expired by desuetude

It is true that in this country in order to encourage the settlement  
of vacant lands the first possessor is allowed a very property to be left  
the benefit of his right & improvement last this is not the effect  
of natural law of common law . neither does the first possessor  
acquire by it any right to eject his successor who has purchas-  
ed his right of improvement & perfect therefore with regard  
to lands unappropriated a vacant & owner to the settlement  
is a temporary right which is indeed sufficient to exclude all  
others while the proprietor is continued last which by the  
very nature of it agrees with the desuetude of opposition  
but in order to make this opposition a right & defendable

e confined

within such Boundaries as th<sup>e</sup> this & his family do really  
use occupy otherwise a covetous man might extend a  
right of possession to a whole continent though he had a  
small cabin in the midst of a wood scarce acres of  
cleared land at least he might pretend to as much  
as he can fix on the highest eminence near it because his  
cattle may have sometimes grazed so far from his little  
dwelling perhaps this law may need to be made more  
particular with regard to this point when land comes to be better  
settled & consequently of better value though at present it  
may be thought that there is not so much need of precision &c we  
now laugh & with great justice at this right of discovery  
which were liable to much abuse of in Europe & in consequence  
of which this continent was at first filled from thence by  
rights of possession enjoyed by the native inhabitants though  
of an unknown antiquity was reckoned as nothing but as  
soon as an European had erected a post by the seashore  
or hung up a plate with the arms of his sovereign upon  
an a growing tree or whatever h<sup>e</sup> had shot a deer hundred  
a m<sup>t</sup> or killed an Indian the whole island or continent where  
such acts of possession were performed was held belonging to  
that nation to which he belonged or at whose expense he  
had sailed from Europe & this even though the possession

was immediately abandoned & not claimed again for many years when England claimed this country

same rule the great Duke of Westfalen might claim a right to the fabellies of Pug  
ter because they were first discovered by Gallio one of his sub  
jects & the King of Great Britain might claim a right to

England. What faulted up Sir De la Warr had  
claimed an entire right to all the land between  
that runs to the Potowmack extending as far as the South  
Sea his claim indeed would have appeared

as one was equally granted for conquest by Charles the 2<sup>d</sup>  
according to boundaries that did not except & limited by lines  
that could not be drawn on the globe. The ancients no doubt  
had a great appetite for the possession of land but they were  
not quite so ridiculous as the moderns in their particular because  
they set no value upon objects that confined their claims.

of men Horace minded him to va  
lue himself a little upon having the land and only of one city  
and thought his farm produced him as much happiness as made  
him happier in his dominion than the prosperous of Africa  
ca "Eff"

"Unius est dominum puerus latitudo.  
But it is not probable that he would have valued -

or Panthere through some of our great  
or other tenants than such as they off the nation basket  
the person or the thing in case of the hundred being totally  
unproductive

might probably fit as well for a tract of land in  
purple or bonds in Leipzg or Leipzig or perhaps even  
formed by the Pope for a feeble distinct in governing a  
country that is likely soon to be left by those who go  
and to be labourers of

completing it ought to be termed only the form  
ation or beginning of a right which is in the power of  
the popes to confer unto a right by continuance & im-  
pement in some countries particularly in Tartary  
we are assured that is the case in ancient Scythia  
& the pastoral nation of Africa there is no right to property  
in land but it is alienated from year to year by different  
popes each of which confers his right as a gift when  
he abandons or deserts them

savage nation the case is the same & the whole territory  
occupied or indeed by the nation at large each of  
the individuals rambling about in it as the vine in

lion heads, their wealth cannot probably be realized

in a country

that is governed in this manner hence Arabia Tartary  
& the other great nations in Africa have always been in con-  
trol or independent a gradually too dearly bought by  
the want of property & of a regular supply of the comforts of  
life & Mr. Moreau observes that the only thing that renders  
men subject to Tyranny is the desire that they have of go-  
ing down in the economy in the same place when they arise  
in the morning & that of mankind to be won led by his  
spurious they would embrace a wandering & vagabond  
either of a tyrant by a want of property & a still  
debilitating place so that while their Tyrants

they might in a short time  
break the Banks of the Oxus or Indus It is to be observed  
however that the human species never can improve in a wan-  
dering state but must only & always degenerate, thus  
the fourteenth officer that was taken at the Battle of

Sabine  
which was formerly a body undisciplined but on the other  
hand the potency of the French Italian French a Ger-  
man who settled in Asia after the Crociades left

describing the manners of the wandering Arabs have  
referred unto Basantry & left

The inhabitants of Africa  
who were for the most vagrants in the time of Caesar,  
when they had been reclaimed from their wandering life  
by Phoenic & Sutor became the most collected nation  
in the world & the like revolution has marked the im-  
provement of the human character & manners in  
different ages & countries at present we have reasons  
rather to apprehend a degradation of the human  
character in return to Basantry in this country  
from the prevailing opinion that many have of passing  
from a settled to an unsettled state the population of said  
habitation close neighbour hood & the establishment &  
improvement of lands & property affords an opportunity  
for the improvement of the human faculties as well as  
for the certain & plenum of social life the improve-  
ment of art & science & every object that is designed  
to move but contrary circumstances have a tendency  
to produce have uniformly produced effects quite con-  
trary to those. It is true that there is something an-

extrem on cloſt ſociety & will ariue the other ſide -  
large & populous cities under a bad government are  
they generally an grou in the den of Thieves & other  
criminals when they can lurk an undetected or the  
fear & multitude of the poore & ſhy upon th' ondys  
poor & innocent members of ſociety

& repleat the earth &

when ever this kind have been rationally purſed man-  
kind have always been happy in proportion & the character of  
the poore has been improved in the fame degree but the far greater  
part of mankind have either run in lone or other of this  
two extreme ſhace

or have crawled in funk mom-  
bers into narrow corners & almoſt left to be trampled  
down one another for want of room America at the west  
ern extremity of the world is a ſinking in flame of the first

latter Great Britain France Italy

& Germany are perhaps the moſt ſavoured in nature for the  
flexiblne & advantage of ſociety on the account of their  
natural & moderate distribution of their poportionate ex-  
cepting their great capitals which by being over crowded

poorly confirming How happy might the unitary state become  
if they could keep up a to form the just middle between  
the equally hateful extremes of too close a too scattered pop-  
ulation Mr. Thomas of Philadelphia Colours by only being away  
the poorer inhabitants of this capital from time to time not  
withstanding which contention it arrived at that differs  
performed greatly that is to eloquently defend by Thucydides  
& Herodotus. Properly whether the most order of personal rights  
completes a communal right in the affine of the progenies  
of men mankind property may be argued to a certain degree  
by labour distinctly & exclusive last incident to commerce  
settlement & the sign of wealth property on such a state must  
almost be finally burdensome hard to keep off from possible  
capture. The pastoral state affords a finer kind of property  
which multiplies by the way of nature which laid the first  
foundation of distinction of wealth among man

A man has a right to property to whatever he has  
taken from the common stock of nature & destined to his own  
exclusive use. That he that gentilizes fresh to diligent  
work to catch fish or pull out animals confutes a  
right of property in his hoards to the person who has bestowed  
his labour on them manner. But when the savage has  
built the canoe which he has peopled or burned with a

flow out of a blue sea there & now the water lies  
huddled as well as the  
game & half a hundred you have got on and his day the night  
of property

reigning yet the right in  
that was constituted by his labour still remains though he  
humpf upon hunting at the distance of 500 miles although  
of the acquirements land cattle or plant a small quantity of corn  
his property becomes capable greater manage without his la-  
bour by the law of vegetation & propagation but this is only  
for a time while the land continues in common & may be  
used by any nation indifferently but when the practice of  
agriculture has introduced landed property & when the improve-  
ment of the soil & its constant fertility becomes the object of  
the husbandman the labour & industry of men then acquires  
its highest value & produce the most extensive effects not  
only by raising a large & regular supply of provision  
but by giving birth to a number of useful arts which con-  
tribute not only to support but to adorn & embellish  
human life & whose want exalts for the various talents  
consisting of men & without the society must always  
be poor melancholy & pallid debilitate of conveniences or  
plunged in debt What must be in a very important state  
& knowledge very rare & confined while a great part of  
it profit

can be found from the first State of old England of late  
have established the great

agriculture according to him  
green up & encouragement to art which affords the  
world while peace at the same time with all other adventa-  
ges  
Oppression of almost half the world  
continues now round the main of gold & silver England  
a small post by means of liberty

worth beyond  
any other country in the world it has often been asserted  
that in the state of nature all things are common which  
cannot be true so long as no individual what ever  
has endeavoured to acquire any thing for himself least  
the common state immediately ends on the first ex-  
ercise or application of personal industry for as every man  
has by nature a right to his own person a faultless  
the most unparticular observer will find a right to all  
that he can acquire by them out of the common  
stock of nature which is open to him and others  
the most benevolent and an adventur-  
ous right because it arises immediately from the  
right which he has to his own person & does not  
require either the exception of political power  
& confederation for help can it be denied from if.

What sort of right which arises from the law of nature  
the Humans termed law but that which arises from politi-  
cal institution they termed possession meaning in that  
circumstance a right of property  
from a right of ownership according to the  
Norman

" Nomium

" Urga

No man can have a right of possession for the property of  
another because the original right merges in all others  
which before & totally excludes it moreover property is a  
right of the most proper kind it may therefore be a power

as well as under the most perfect society yet property  
in land gives an additional security by accustoming them to  
fixed habitation as well as by enabling them to sum increase  
& multiply their acquisitions the value of property is raised  
as well as the encouragement.

distinction of rights. States from other  
ordinary Politeians from his time have dreamt of con-  
untralizing all the various distinctions of men in the publick  
& of extinguishing the fifth & greatest distinction as noxi-

ion e  
human although the law of family is not a part  
of our nature as well as the law of propagation yet  
the latter is the greater or more original law & which  
the other is only additional & supplementary to it the  
law of propagation is a part of our nature as much as  
the others & this is inseparably connected with the law  
of propagation because mutual & affectionate affections  
may indeed be grafted by policy upon those which are  
natural but they never can be strong enough to  
supercede the natural & original laws of the human  
world men must be prompted to labour by necessity  
by the principle of propagation to which family is  
a fitted institution under the law of propagation because  
the observation that any form unequal propagation  
is acquisition property common at the introduction  
of political society. The natural right as well as the  
natural duties of men are not confined to any state  
of society as Lord Shaftesbury very properly observes

government Some author particularly Mr. Wm.  
Simpson deduce the foundation of obligation of social  
duties from the natural right of men including  
even the social affections among their rights which

is our duty to maintain & to support but we have al-  
ready -

from the nature of the subjects of them which give  
them a foundation equally from the demonstration of  
a right in itself that on this subject foremen can have  
a right by the law of nature being a fiction of the  
law from us ex parte so far as that right is founded  
upon our common nature & approved by our moral  
faculty But we are not at present investigating  
from ourselves.

nat principles having at large of all other things above  
by a regard under the law of society but we are on  
by mortgaging those rights that may be maintained  
by us alone & that on the object of suspending or com-  
pulsory law

improvement confabulate a right when in good  
against every cruel clamour but which  
right being to be recognized  
confirmed by the people that intend harboring their right  
as landed property was first introduced in Europe under the  
feudal system when with a conqueror were in a very  
imperial state the first feudal lords received all  
under right & charge to hold their land by the sword

land was to support a number of Whig followers or Hessians  
which compelled their importance & supported their  
dignity on the state & Smith properly knew that in  
the end a coalition after a year he had as much  
property as would  
from the want of occasion to exchange or confirm this  
property could actually make no other use of it than  
by really maintaining 1000 men who depending on him  
for their support

for their support  
design of his ambition Miss Bas.  
and were at first only the gradual servants of the gov.  
greater but acquired more important rights or greater  
of time -

The quantity of land that was allotted for the  
use of a Roman citizen & his family was only 77 jugera each of  
which contained only 240 feet in length & 120 in breadth the whole  
amounting to 200,000 square feet which is somewhat less than  
the English acre now it appears the computation of modern in-  
vestigators shows how their country supported a family yet  
the very existence of the Roman State itself is not more certain  
than that this was the exact size of their property, but they  
were distributed & held in a very simple manner in the

People which was cultivated at the expence of the public  
while he commanded the Roman Army in Africa & such  
was the Estate of tenantry somewhat however called to the  
dictatorship to which he returned after having received the  
Emperors of his country such as he was the estate of Gaius  
maximus which he sold in order to support the credit of the  
Roman State when they were unable to furnish the sum of  
the redemption of certain prisoners from for which  
heavily he was much extorted by Cato & Marcus Junius  
setting at a supper of boiled turnips when he refused the gold  
which the Romans offered him for liberating his country  
gave a posturke with a little salt meat now & there was  
their common fare other usual drunks unwatered Wine  
the name of such Estate that passed all the nations of  
Italy Sicily & Africa & overruled the rich empire of Car  
thaginian Punic taxation with

these cates

" Sed et puerum

" Poles la belle doctor

" Et hinc matrem ad ar arbitrium rufus.

" Postare fuitus

Having so small portion to cultivate they used uncon-

men industry

can scarcely credit especially when  
we consider that they had their full arm'd in their vessels  
sorrah out of their small port & this article of charge could  
not be a small one in a country subject to a fierce winter  
as Scandinavia at that time other wise that the riches of the  
great men among the Roman nover mostly acquired by the  
publick of the nations that were conquer'd but the ordinary  
prospersome of the citizens was derived only by labours from  
the little farms of the Romans who had up'd imported goods  
they durst never have been able to pay for them for lacke to  
have any ground therewards. The cultivation & product of lands  
in China & in some parts of Holland will be incredible  
in this country. Right of property are maintained by com-  
pulsory laws in all countries a right to command is a right  
to the service & obedience of others. The natural rights of this  
kind are the first which a man has over his own family  
which have ever been held sacred & among the Greeks &  
Romans were absolute. The adventitious rights arise from  
contract or for Justice & will be confined afterwards to original  
rights on the unusual opportunities of man's nation  
& coextant with his being & these comprehend all our moral  
rights. If we suppose that nation deserves it not

lay for the promotion of his works the right of the  
Parent is commanded the infant child is also original  
but in every other instance no man has any original  
right to force the obedience of another except so far as to  
oblig him to abstain or desist from wrongs' Adventures  
rights are just as a man's vanity to man in the  
course of human life - original rights are acknowledge  
d immediately on being mentioned but adventitious  
rights are matters of dispute & only acknowledged so  
far as they are ground. In tracing the source of adventitious  
rights we must not only enumerate their subjects but  
likewise the means by which they may be acquired  
call the means by which such acquisition can be ground  
upon expressly command an all of them adventitious  
rights when considered in contradistinction to those that  
are original though not in contradistinction to natural  
as we have shown above that all these rights exist in a  
state of nature to a certain extent, the adventitious dif-  
ference in point are founded forth most part on pro-  
perty a command obligation from wealth will ne-  
cessarily arise in point from the unequal talents applica-  
tion & good fortune of men. On the first equality from

will be frugal temperate & industrious & will by that  
means accumulate wealth others again will be indolent  
idle intemperate thoughtless & thus certainly will be  
poor querulous discontented generally wicked as persons  
by education by inclination in the common temptation  
to many crimes Morally ridiculous as well as  
unjust to think of abolishing all right of property  
in order to gain liberty because the latter is of no value  
at all without the former the only use of liberty is the  
endeavor of government itself to maintain men in the  
possession of their natural & real rights; but if they are  
not allowed an exclusive right to all their lawful  
acquisition government becomes an intolerable garran  
infied of being a benefit to them a most ridiculous &  
pernicious notion has been artfully propagated among  
the ignorant part of the people of this country that in  
quality of fortune & the regulation of wealth are not  
subject to liberty except to be discouraged but they are  
not sensible that this notion actually cuts the nervous  
endings as well as undermine the foundation of proper  
by a man now said to be in the state of slavery  
where he is rendered incapable of acquisition if

one nobly & to be subjected as soon as he has acquired a mark or his violent neighbour or if his property acquisition ante be distributed among the little unfortunate then government itself what is called liberty would be a most unnatural state & conspiracy against all the rights of men instead of being the best means to support them in the enjoyment of them now if every man would put himself in case of the wealthy & he certainly has the desire of becoming such that judicature of the nation would be equally evident to every understanding but it is calculated only for the rich & poor sort of rogues who have no hopes of property except from the village or master of others & accordingly obtain the abhorrence of many which indolence & indolence are bringing them rapidly to the same condition We can possibly to imagine a more pernicious abuse of the unbounded liberty of the people than the spending of such nations which are totally insensible of justice & law & industry & which if generally left to themselves will destroy all property industry & government & will reduce all the citizens to the condition of those Banditti

in the state of Massachusetts.

part of their countrymen who  
had the impudence to call the self-injunction be-  
cause their calling had reduced them to want &  
their indolence rendered them averse to supplying their  
want by labor or the want of property & the existing  
men in the acquisition & enjoyment of it & of all  
their natural & real rights are the greatest

means for attaining  
such ends that we pay taxes to enter into civil society. Savage  
tribes of mankind who have rarely or never had neither  
any occasion for government nor any fund to defray the ex-  
penses of it. The taxes which we pay to government are only a  
small premium for the insuring of the rest of their property  
which by other means comes to be protected by the strength  
of the publick what you have to give to the most says the pa-  
rish priest give to the last "Publick taxes"

acquisition  
which in a state of nature could soon be extinguished by  
being exposed to the violence & lust of every lawless villain  
or honest of villain here the Heros among the antient  
were fully celebrated for supporting justice & maintaining  
property & maintaining law & order among men

"Mercede, et Pater  
"Post ingentia facta Econum in templo suspi-  
"nsum terras honorumque solent genus aperitilla  
"Componunt agri apergnat egypti a condant.  
No right can be acquired by injustice or in other words by  
any deed

The Colonies have originated from more violence  
that the right of conquest which is in itself a wrong is  
the foundation even of all those states in which jus-  
tice is admitted & property secured by law. Instead of culti-  
vating the soil for themselves bodies of hardy & enterprising

of the fruit of their labours either by exterminating them  
altogether or by reducing them to a state of slavery adop-  
tive & obliging them to cultivate the soil for their masters  
& haughty

we can scarcely mention a country  
by any where in the world except the late territory of the  
pepuiti in Paraguay where the infant inhabitants are  
not despoiled from invaders. Wh. A great monarch as  
it would hard their original only in force & all the govern-  
ment that have been erected on their ruins have likewise been  
established by the like means mankind have never in  
deed shewn any greater inclination to regular & honest

living or the support of their common rights except  
when under the protection of monopoly

of the world. Tacitus remarks  
that the only boundaries between the Barbarian nations in  
Germany were craft,猜忌, & mutual fear. The  
Saxons that have existed longest have been subject to  
other men by the fear of foreign invasions than  
by internal anarchy or unright administration of justice.

There would never have been any need of employ-  
ing force. Mankind indeed have in general loved liberty  
that is, the power of doing whatever they pleased without any  
regard to justice or the natural rights of others. Their  
disposition accordingly has been almost uniformly  
formed either by force.

In the procedure of god would not  
have permitted the greater part of them in all ages to live  
in an absolute despotism. The will of others but it is surely  
a much safer seat that a few men called monarchs should  
have all their will than that the levitation of all  
mankind should be left unrestrained which would soon ex-  
tinguish the race altogether. Men who have an evident  
interest in preserving their subjects as the means of their life,  
power & authority & in alleviating a tax for them in general

to maintain further than to support men to do as they please  
which would give great pleasure to men of mankind as well as others  
but if mankind in general were indulged with that liberty  
which they have lost we mean the liberty of pillaging

Oppression of the  
rights of others can best be shewn by men to concieve  
them of this abominable truth that of all men were allowed  
to do as they pleased they would all become poor & idle  
so that at last as little could be got by robbing as by  
honest industry - Occupany - Labour convention & institution  
and the principle means of acquiring rights which nations  
of other actions judges. Indeed the origin of property in  
this country has in general been more honorable than in  
any other that we know of

inhabited by hunting  
tribes of savages who did not cultivate or improve their  
right of possession could be subject to the enmity of those  
who did improve it & possess it in a rational manner  
The impious & ungrateful of the first have certainly the  
strongest title to property & indeed such a one as may  
properly be called a divine right although it is aquiva-  
lent to the invention of Private Property that the earth should  
be improved

and game or spontaneous fruits but he can have no  
right to make the white country a depot for the conveyance  
of his hunting especially when there are who can make  
a better use of the country & capable of supporting vastly  
greater numbers of mankind than it could support  
or the savage take he has no doubt a right to his own  
settlement but he can have no right to occupy so  
much land for that purpose as would support many  
thousand & millions of families. The method of pur-  
chasing land from the savages was the humane in-  
stitution of W:m Penn & has accordingly been ad-  
mired

a being calculated to provide the people a hap-  
piness of mankind & to put poor men easily in a  
situation that by means of industry & might afford  
them a liberal support but Penn perhaps did not  
foresee he had not enough in money to prevent the  
rise of a new tribe of Indians who oblige settlers to buy  
a second time from them & not from government at a  
vastly higher price their very land which he had bought  
from the savages for what he required

justly.

we mean the land jobbers who extend titles to lands  
when meant

men of private gain have now learned the fact of abuse  
the disturbance contrary to the laws of nature & as  
considerable a hindrance to the improvement & popu-  
lation of the country as the infliction of purchasing  
lands from the savages was calculated to promote.  
that end the galleys and that the publick is  
paid balsam received from the poor men by the tax  
alone of their imaginary property have been ab-  
solutely more than compensated by the profit  
which they have made by sales to jobbers & by  
soaking on the ruin of publick credit the per-  
mitting so much of the lands of the state to be  
subjected under imperfect & imaginary rights &  
unfulfilled conditions cannot that have originated  
from the qualities of the same sort of men but the  
consequence has been to render a great part of the  
land of the state a mere production of superfluous

what may be the ultimate issue of  
the Andover folly & mismanagement It is impossible  
to say but it is quite certain that it cannot be  
for the benefit of the public or for the preservation of  
the rights of mankind It has already occasioned  
emigration which threatens to render the territory of  
the state in a short time as much a desert as it  
was at first many of the rights of mankind by this  
mismanagement must be lost on the wrecks of general  
insolvency a fresh injury may ensue and it is not  
possible to imagine at present. Calamity and possession  
is such a relation of power to so thing as that no  
other person can cop the same thing without ~~going~~  
injury or molestation to the occupier in the manner  
as we have lived above a man overha the ground  
on which he lies the water that he drinks the  
air that he breathes the light that shin upon him  
the heat of the sun on which he sits but no one  
man can enjoy the whole earth possess them  
the atmosphere the light of day or the vast oceans —

# Lecture 150 Tuesday the 2<sup>d</sup> of March

The celebrated Mr. Salter has written much learning & a good argumentum with antiquity on his behalf in the molestationum in order to support the right of the dominion of the sea which is pretended to by the King of Great Britain & the French of France.

Opposite to when they pretended to the same right will always be most approved by all equitable men & friends to the rights of mankind Labour is one of the original & natural man of acquire my property & property bearing includes all the rest.

"Nil sine magno uita labor didit mortalia" —

Labour is an effort by which a person may for his own use  
falsitate person or impress any unappropriated property when  
and had obtained the value of the person appropriating with the  
opinion alone he tells us that the worthlessness which Salter  
had bestowed upon it has exceed the value of the material  
estimating that labour always gives the greatest value to  
the properties of men

"Urgit stirerat

"Clark magnus

Matonam operata operis —

The right that is acquired by the fruit of our labour is  
implied in the original right which all men have to their  
persons & to the use of their talents, a faultless which na-  
ture has given them in order to procure their subsistence &  
better their estate anterior to convention man do not ac-  
quire any right by the appearance of any formal con-  
tract that is of no effect for the right acquired is only  
to the use of what is produced more sufficient or what is not  
the effect of any man's labour if there be no convention to  
the contrary full to the first occupier than a part of land  
added to another man's property by the rising of the ocean  
or the natural change of the course of a river which is called  
alluvium in the Roman law has been the subject of many  
disputes among writers on the law some contending that the  
addition belongs to the owner of the lands to which it is joined  
others content that it remains the property of the person from  
whom land it was derived but this belongs properly to  
positive law. The increase of a man's flock or herds being  
the fruit of his care & his property but the acquisition of  
new lands or of land contiguous to his property seems to be  
owing to the first occupier a man by labouring on the prop-  
erty of another cannot annul the other's right on the  
controversy the very fruit of his labour of it cannot be removed

without damage to the principle

takes place

when the labourer is not employed by the owner of the subject  
but himself as his own. In the case of conversion the right  
otherwise would fail by a bye. The right of the  
property of a thing can devolve in all countries from  
the master but if off a horse from the proprietor of the  
first a person however who happens bona fide & without  
any intention of fraud or usurpation do employ his labour  
on the property of another may remove or enjoy the fruit of  
his labour if this can be done without detriment or inconvenience  
to the other. Civil conventions, a constitution, accom-  
modate the rights of occupier or of laborer for the convenience  
of the parties & to the policy of particular states no convention  
indeed can be made to the prejudice of natural justice any  
more than against possibility least when theft an out of the  
question the axiom holds "Actio tollit legem" —

We come now to state the laws of engagement by contract —  
a contract is the engagement of free parties to perform what is  
represented to be lawful & on their power Engagement are  
made by promise which when voluntary bind all men by  
the law of nature & all men naturally rule on the basis  
main of promises. The principle which D'Wolsey calls  
the principle of credulity or confidence is necessary to the

any influence of Society & mutual commerce among  
men as we could have no dealing with each other if we  
could not rely on one another's information & engagements  
as proofs to a person of any honor or honesty constituting  
a true Water-Punger than any material falsehood &  
equivalent to physical necessity as he not only forfeits  
his reputation among all just men by the breach  
of it but also his own good opinion & the approbation of  
honest mind which he values much more than that of  
all the world now no Society either great or small  
can exist worth a little time without honest good faith  
which constitutes the true dignity of man & a person  
who is desirous of them does not deserve to be reckoned a  
man. The fruit of labour must all be left & the ad-  
vantages of such, totally forfeited when this is at an end  
Even the bands of robbers & Pirates, who inflict by the  
political mark of justice & the violation of the right to  
of others an outrage notwithstanding further common  
justice to be true to one another & though each of them  
has it in his power to subvert all the rest all of them  
take care not to set an example what carry one of their  
companions may turn against themselves. The object of a

enough engagement becomes to the person accepting  
that gross part of his estate & right Breath of faith  
in a capture he is intitled to recd it by force there is  
no greater symptom of degeneracy & approaching ruin  
in society than common break of faith thus extenguish  
ing all sense of honor, hostility engages all mankind to  
either avoid them what sort of men have actually brought  
that character upon this country or have avoided the pay  
ment of just debts by villainy & unjustice law they  
ought to know themselves but while this continues to  
be the general character of the inhabitants of this coun  
try & is established by such a weight of unpaid  
debt abroad & at home.

The creditor we can never expect

or the blessing of  
decent Providence. Indignity established by law is the most  
abominable of all kinds of indignity a foreign nation  
who have trifles ... with their property under pretence  
of having not due have been paid only in exasperation  
by fraudulent mankind who & cheating laws must  
have left us to our shame & misery in loss the con  
fidence of our allies so that in case of any war or invasion

w could  
Even his own enemies however, especially as it is now part  
connected with meanness of soul but honor & good faith  
abut & command the same shall mankind not even  
exemplify the sincerest part of them who do not care  
to be cheated them plus though they make a trade of  
cheating others. The regulation of Piracy when once  
enacted is of all others most difficult to shaken off when  
it can be traced into the very laws of a nation it must be  
justly & firmly & solidly rooted in the character of the people

Populi lost all its allies & when Carthage actually  
fell under the power of the Romans though by conquest & vice  
none were found to wrap over the ruins or to commis  
sive its fall the same want of good faith was the  
cause of their long suffer

" Non Non

" Et non

"

" Munde puto distinet —

With regard to the breach of contracts the compulsory law  
of nature which in its original form is prohibitory does not  
gather force in appearance positive requiring some

a mere reservation of that wrong which brach  
of such words induces a party to a mutual  
or stipulation or agreement to do and bind another  
for what is deemed to be for their common interest having  
a double condition one to be performed by each party & by  
the transactor a right or entitlement in each party to exact  
from the other the performance of that condition which was  
generally promised by them a contract can be mutually bro-  
ken only by one party so that both parties become at once  
unable to perform their several parts respectively death or life  
with according to the nature of the contract. In that case the  
contractual by the act of God which can neither repair or  
set the charge of falsehood upon any of the parties but if  
the party who promises to perform his part first does not per-  
form it he is guilty of injuring the other by breach of con-  
tract & of depriving him of his right which he had acquired  
by the contract to the performance of it & consequently he is  
bound to compensate the damage arising from the loss of said  
right if the contract be so construed that of the parties bind  
themselves to do any thing in consequence the failure of the one  
of them does not release the other from his obligation or  
abridge him from performance through either the contract  
is for doing a part of work in consequence of paying a

the person to whom the work was to have been done or the  
money to have been paid the right of the third party to  
performance cannot be affected in a like case by the failure of  
any one of the two parties but they are both bound conjointly  
financially & the 3<sup>d</sup> party may exact the performance from  
any of them who is solvent. This is the foundation of  
the regularity of Party & the responsibility of the mem-  
bers of trading companies or corporations for the debts of  
the society. ~~of their reputation which is commonly applied~~  
to contracts by the ancient writers on law & tends at the  
same time a proof of the impropriety of ancient manners  
in that sense of remote ages when any two parties  
had made a contract they broke a straw or reed  
between them each party preserving that part of it which  
remained in his hand at breaking & the production of this  
two parts & their answering ready to each other.

But

hazardous to  
make contracts in the ancient form of stipulation —  
the formalities of writing, signing, witnessed paper  
handwriting, sealing, registration  
operations are all  
encumbered by the want of honesty & the inclination

that men have to break their contract & a person who would  
refuse to bind himself in all things now that they are  
bound to no party may be lawfully induced by another  
to break his contract as much to a very dangerous person  
with the commonwealth But a person of such

submit to every

condition which the law requires because he knows that he  
cannot be more strongly bound to performance by all the  
agreed upon articles than he is by a simple promise without  
any writing. In which case that the other party can upon  
his promise the consequence that he has signed in his char-  
acter of the right that it has agreed to the perform-  
ance as well as the benefit of public infamy that is

bind an honest man

so firmly that no additional formality can give him  
a stronger proof of his obligation or more naturally from  
the performance of a person who breaks his contract for all  
that is in his power utterly to dissolve human society  
obligation and to all common affections his among men  
butts of all others were to follow his example which  
he lay down & do all that was in his power to make  
them to do the total violation & dissolution of  
society and immediately take place where a m

allows a man ready for the commission of any crime  
whatever because that principle which should have  
influenced him from committing crime is become quite  
dissipate & inactive

at once the criminals by their  
numbers have one another in countenance all shame is at  
an end with them a young person or the ignorant are  
then apt to lose very much of that habitual & other  
sense of purity & truth of faith which they may have  
contracted by a virtuous education & when men once begin  
to lose all horror at crimes this acts as a gradual gra-  
vitation to commit them & condemns all sort of  
human moral obligation The most criminal mode of  
breaking a contract is when the break uprooted & disfigured  
at the very making of it such a promising what one  
never meant to say or fulfill whatever never intended  
to deliver than a formal friend & dishonesty from the beginning  
& constitutes the basest & most deliberate break of  
faith that can be conceived now the guiltiest kind  
of the party breaking was not really able to perform  
even at the time of making the contract because his  
concealing the circumstance from the other party who

trust him &

is a deliberate violation of their right which he has  
to performance nor is it any excuse for the breaking of a  
contract that the party who breaks it was not certain of his  
credibility at the making of it, if he had the least probable  
reason to suspect it as when a bankrupt makes a con-  
tract

such a one is evidently guilty of ex-  
pecting the right & intent after making to certain to do  
& thereby constitutes himself a fraudulent bankrupt.

on the crime by the law of the country but  
according to honor & faith there can never be both  
parties & their respective ability to perform their several  
parts of the contract ought to be known to each other at the  
time of making it. Then

the designation person  
or place of a broker with whom we make a contract  
than to know his character & circumstances & the probability  
of his performing his part when a contract is made it from  
some suspicion that after the party who was to act left

a when goods are offered to be delivered at the  
place & time agreed on but the one agreed upon is  
not produced now in this case the party who acted first is  
a broker & therefore not being in quality of injured or the  
breach of faith when a contract is tacit & constituted by

one party only even the case of the configuration of goods,  
delivered or kept for the owner the consignee by accepting  
of the goods concerned or as much thereof

the next  
fifteen contract previous to the delivery of them to the  
law will release him

him by accepting the configuration  
when in making a contract the party who accepts naturally  
do act first for instance the seller performs his part first  
by delivering the goods before the date of payment or  
when he consents to payment of payment at a distant day

strongly obliged to make payment at the time  
agreed because the seller has trusted to his honor veracity  
expenses himself to the risk of losing his payment  
in case that the buyer shall break his word or to  
be trusted by a wise man or a good help to a char-  
acter or may be of considerable use to a person enga-  
ged in trade the buyer if he has any generosity or  
sense of honor at all will rather himself doubly obli-  
ged to the seller with the delivery of the goods &  
especially for trusting him with confidence & depend-  
ing on his honesty & of a person do not make  
payment in this unmerciful manner the first person who

to be a breach & totally unfit to be  
settled a second time. He plead except & continue rea-  
son for delaying the performance of a contract in a case  
of breach of faith, even though the contract is after-  
ward really performed simulacrum. The very term of per-  
formance or of mutual confidence leaves no room to prove  
the intent of an honest man by not keeping their  
contract with him & thoughts of fraud not actually  
have this effect.

all credit among men the delay of  
payment of rent is real breach of faith in the  
same manner as the delay of settling is real injustice.  
Other absurdly laws of contracts evidently intended  
or profit that the form of conventional obligation is  
the right of one party.

Honesty or over lay nature are  
formed for mutual confidence & depends totally on  
the number of each other & as this deposition is that  
which qualifies them for party & it necessarily affect-  
ing of the comfort those who are guilty of breach of  
faith do all that in them lies to extinguish this  
mutual confidence & to render the principle  
which lead us to it not only useless but vicious

' of human party of the crowd of the one party is  
not accepted by the other when there is no contract  
but when the parties have once trusted each other  
each of them perishes the value of his right on the  
professed faith.

that value that he will be honest  
as he is. It is certainly forfeit the like value if he prove  
otherwise. By the law of contract is that they make a  
right only so far it depends on the will of the contracting  
parties every contract has no doubt this fact implied  
understanding if it be probable, but though one can  
not tell foreseen what may be in their power at  
such a time yet they know certainly whether they  
are able at the time of making the contract & like-  
wise whether it is probable or otherwise

in parties to bind them only to a willing to affirm  
it for when either party fails for want of power by  
man or God or an accident insuperable to have been  
foreseen this is not breach of faith, but if the want  
of power be voluntary of breach of faith as when a  
man sues from another or throws away his creditors

cannot affect within itself than is the most delicate  
honesty & truth of fact even though the party be  
unaware at the time of performance because the creation of  
self-fault & induced lassitude

of God or any unforseen accident.  
The 3d law is that in order to constitute a contract mutual  
promise or a promise & acceptance on互相の間 between  
parties acting freely & fitly of the acts of their respective  
a contract must be equally the act of both parties in  
order to bind both as none can be bound except either by  
his own <sup>or by that of those to whom he has</sup> given power to promise for him

entitled to contract for him he is immediately bound if  
the thing intended to be lawful & possible

## Lecture 151 April the 1<sup>st</sup> - 1809 -

The municipal laws of some countries admit of a locus  
penitentiae for nearly the space of 24 hours or a natural day during  
which of the one party intends to the other that he does not adhere to  
his contract in which case the law releases him from his obliga-  
tion but the law of nature admits no locum penitentiae nor  
allows any time of reserving from the contract when one made  
"et simul confirmat de lat invenire utrum" one party

may indeed be

by the contract of the other which is not broken but when one  
broken the cannot be released but the law demands satisfaction In  
order to make a contract both the parties must be free & independent  
of each other or the engagement or stipulation of a person who is not at  
liberty is held by law to be void ab initio For this reason all  
contracts or bargains made by a master in prison even captivity un-  
less it is for his redemption or by a slave or by a person under age  
and of no force because the parties were not at their own disposal &  
had no choice at the time of making them for this reason a  
promise made by a master by one that is in his power to pay a  
sum of money or a certain place is not binding because the person  
who makes it is in the power of the master Often an owner in-  
died who think that even in this case the contract ought to be  
kept because the person who is fit to make it might possibly  
after all escape from the master & they think that he is to face one  
life by a contract which one does not intend to perform is unworthy  
of an honest man but if promises & oaths by force are not binding  
in a state of nature which is generally unknown to God they  
cannot be binding on a state of society because no laws give any  
rights to so there the compellatory law of nature allows the use of  
all means that are natural to resist a repel them & such like &c as  
understand the proper way of dealing with robbers as being of ter-  
rified by Pirates & cannes etc a certain island in Mediterranean

he bound himself by contract with them to deliver them a sum  
sum of money for his services at the same time understanding so thor-  
that he would return at a certain time & hang over, one of them  
obliged both the contracts with the Plaintiff eventually  
natural sum to have imagined that neither had no right to  
start a process to pay money from a traveleer who had none  
about him."

This is not only surprising that the parties entering into any contract  
should be free & independant on each other but likewise that  
they should be under no constraint or obligation to another. The Elec-  
tion of a representative in a few regular or a solemn contract by  
which the person elected engage to consult with all a determinate  
according to the fundamental laws of the state & especially to promote  
the publick good & to maintain the rights of all the citizens accord-  
ing to the best of his knowledge as far as he is able on the  
other hand the Elector engage to submit to the majority of  
the representatives elected the person who are chosen as their re-  
presentatives & entitled to act to impose taxes & make  
law for them during the periods by the constitution & they  
come under this engagement whether the majority of represen-  
tatives shall consist I think for whom they have given their  
votes & of those who have been elected Every citizen cannot  
have a  
the majority must be supported even by those who have -

condition alone

that man enters into any society & on this alone can any  
society be supposed every abiding therefore by entering into society  
he binds himself to submit to the laws enacted by those who  
are in its representation or by a majority of them & when  
he has given his assent for a representation he has vested all  
the powers enjoyed all the rights which any constitution can  
give him out of his complaint or out of his quality of man &  
out of acting against his own contract because the  
act of the majority of representatives is to all the purpo-  
se of law the act of every man in party & binds him as  
much as if it had been written by his own hand & signed with  
his name the ignorant are no doubt a numerous & considerable  
part in every society but that men are surely enemies of their coun-  
try who prabif upon their ignorance to make them guilty of  
dishonesty & breach of faith & induce them to act against their  
country by refusing to obey the laws enacted by their representatives  
or to pay the taxes imposed by them the case is still worse and  
is equal to actual rebellion when the leaders or drivers of  
the ignorant multitude set them up to resist by violence  
& to infest the laws of their country the 10th of August  
& commonly repeated by Demagogues that all power is in  
the people is a doctrine that naturally leads to pillage & robbery  
rebellion & murder & would prove very fatal to the ignorant  
who believe it of there is an executive power to support the

laws. The power of making or repealing laws by themselves  
matters not well now in the people because it cannot be  
exercised by them both on account of want of capacity impossi-  
bility of meeting together & being nearly engag'd on other busi-  
ness, accordingly no legislation attributed to the people the pow-  
er of making laws or imposing taxes in their own persons testifying  
the power of electing representatives to do those things for them  
as they may choose whom they please it is evidently their own  
fault if they choose unprincipled persons & consequently they have  
nowright to complain of what is really done by themselves for who  
wants make contracts & do any business with these people who  
refuse to fulfill their contracts? & who appear openly & vio-  
lently against the due of their person whom they themselves  
have freely chosen & commanded to act in their name No  
talk to the ignorant therefore who endeavour to pervert. Then  
that the powers of legislation & execution are in their supreme body  
even after they have in the most plenr. manner given them  
away to others is not only taking nonsense but it is promoting  
treason & undermining the foundations of moral obligation  
one may as reasonably tell another that the property of an  
estate is still in him though he has sold it in the most  
felonious manner to another for a pice that he has received  
& the other is in actual possession of it of the laws of

out the tongue. I could not be more properly informed than on  
such persons who are daily endeavouring to stir up the ignorant  
part of the people to sedition & rebellion by telling them that  
all power is in them & that they are not bound to submit  
to the laws made by their representatives Persons who cannot be  
found by the most strenuous exertion or who never intended  
to bind themselves, or who claim a liberty of breaking their  
engagements when they please are completely infamous  
& incapable of being members of

degree of infamy or baseness. A man  
is that of those who running the alibodee <sup>of such doc-</sup>  
trines yet labour to enstil them into the people who know  
no better. Who persons?

The rights of individuals & of society &  
not uniformly for the good of all. Rate to the best of their know-  
ledge & judgment as far as they can all & their engage-  
ment is accompanied with the solemnity of an oath or af-  
firmation from slaves indeed & consequently members  
of the people will prompt before they are devided that if  
they shall happen to represent them they will uniformly  
obey their instructions. however contrary to justice or contra-  
dictory to each other & that they will make no abuse  
whatsoever of their oaths judgment set forth to be the

men vehicles of his own or nefarious of the people like  
those that now make a public profession of dis-  
honesty & openly declare that that want

a sufficient condition that are continuous to themselves a  
man who is capable of promising that he will do all that  
he intended or that he will vote uniformly the same way with  
another person who is named before is a slave in the worst  
sense of the word & incapable of making any contracts be-  
cause his very soul & conscience are in slavery now the  
slave of th. people uncertainty a mean & contemptible as  
the place of the monarch ~~which~~ <sup>is</sup> ill

have certainly

incapacity of performing their  
duty by electing men of worth for that representation before  
the man who promises to be dishonest for the people will  
therefore be dishonest against them whenever he finds it  
his interest interest to do so The practice of such men  
have already established it as a maxim with the ig-  
norant part of th. people that no man ought to be  
elected a representative who will not engage to renounce  
his own judgment & conscience & to be guided entirely  
by other institutions which establish a rule against

common for h. to flur a ther own Interest. Of a man  
he, no judgment, start or no confidence to entitle him  
to be trusted he ought not to be chosen & of his renowne  
any little that he may have or promise to do any  
thing that he would right or wrong he h. only declare  
that he has no moral greate & that he woulde be  
trusted & he ought not surely to thinke a man ho  
m. & who himselfe either can to a fewe of the co  
lony Bribery corruption or promise to fulfilet to  
all instructions.

the like Bribery for the exacting  
of such promises ought equally to disqualify even  
man whose quality of them from being an Elector. The  
parties entering into a contract ought not only to be  
free & disengaged but to have the use of their reason  
honest upright electors madmen or persons in a state  
of intermission are incapable of making contracts  
all contracts entered into without such persons are null  
& void ab initio on account of the incapacity of know  
ing at the time what they are doing many citizens  
from whence entered an opposite opinion but ma  
king a plenary contract with their reprentatives

rationally than otherwise they would have done  
but when intoxication is voluntary it cannot be  
pleaded as a breach of the contract made by a per-  
son in that state. A contract is a deliberate con-  
currence intended by persons who can judge of its  
condition of their own ability & willingness

now a

child under age an idiot a madman or a man in state  
of intoxication cannot judge of the nature of a contract nor  
determine whether it is just lawful or profitable  
that they should fulfill the condition of it but intox-  
ication is no excuse for delinquency & cannot abridge their  
obligations to abide by the terms of their contracts even  
though the parties could prove that they were all  
drunk at the time or a great majority of them

delusion prob.

every man or his guardian of whom it gives him to be  
in actually in a state of intoxication or other incapa-  
city of making a contract yet he cannot plead this  
as an excuse because of his own malady over  
we have seen already that an ability of performance  
that is produced by the voluntary will of the party

another I sell you all my land for goods but mention no  
man to be paid for them so that there is not a good proposito

This is what is called

Ad a natus factum is natus contract that is a definite  
of a double condition & consequently void in law a forth conform  
one of it no action will lie against the proprietor whom  
that maxim in law "Ex nudo pacto non ostendit actio" Then  
but promissory natus or a contract is a deed trans  
acted between two parties it is necessary that both of them  
promised & it so explicitly that the one may have a  
right to exact performance of the other now mutual pro  
missory natus is a naked offer that is not  
accepted cannot then the law of contracts is that a party  
may withdraw it upon his agent or messenger or  
by any person whom he has appointed to withdraw it that it  
may be made either on writing or signs that are  
mutually understood Then it is a maxim in the roman law  
"quod quisque faciat per alium post placere videtur" Then  
are many occasions in life where we cannot manage by  
ourselves but must necessarily commit to others such as the

management of a just justice

just by the See which must be committed  
to a Superior or confided to a confidant or also the  
rights of a citizen's main law which must be committed to his  
representation at the expense of a state

Emigrants <sup>or</sup> Plenipotentiaries now

unless the due of  
them all mutual faith must rest among men & all before  
a contract in the world must be laid aside unless when  
the parties can meet & contract personally with each  
other myself therefore has introduced the custom of acting  
by others but unless it is admitted that the act of the

th principal or employer the commissioning of him is  
perpetually negatroy a bidness not to pay fraudulent a  
unjust if men were only attentive to the majority  
negligent of business & the mode which nature & ne-  
cessity provide for conducting the affairs of men we should  
not be troubled with the absurdity & difficulty of men  
publicly decertifying that they are not to be held  
by their contracts or confiding publicly in that than  
that they are to not submit to the laws made by their  
representatives off the tables of the people we not  
distrust & fearing they would not encourage them

confess or not being bound at all either by their  
own contracts or by the laws made by their own representation,  
or in other words that liberty confess or however a despotic  
convent of such a law being guided by whom & capricious  
The persons who encourage this notion do not consider that  
they may one day be turned against themselves as well as  
against others -

Lett. 152 April the 1<sup>o</sup>. 1799 -

Not only things at Lyon have often deserved their vigorous

when

They did not fulfill that promise or when the people desirous  
when Robespier  
had raised a rebellion against Danton the deluded multitude  
blindly followed him but when they saw

the throne his head over the wall or  
Bravo who opposed Danton once lost an occasion to desire  
them to take care of himself for says he if the people get  
into one of their mad fits they will certainly kill you  
last

thus seeing they will kill you for having  
advised them against their interest but happily for the first

erates the people never came to this <sup>so</sup> far & <sup>so</sup> long time  
more than for the madnes of the public."

"Intendimusque ratione et ut recipiat"

When the agents or representatives of parties have therefore signed  
any treaty or contract their opinions or principles are obliged to  
abide by it & hence arose the origin of the ratification of treaties by  
which the right in ambassadors to bring other principles is openly  
denied. The words in a contract ought to be clearly proprie  
understood in the same sense by both parties for if each party were  
to claim a right to explain his own part of the conditions of the  
contract such a sense or stripe would be introduced into  
the affair of men & no contract would have any validity or  
the contrary party ought to understand his own part of  
the contract.

To avoid all equivocation &  
unintention of meaning intently banished the desire of doing  
this has gradually given rise to the very

The photomism repetition & follows  
enumeration which renders the reading of formal contracts  
disgusting but the greater instead of attaining the end pro  
prietor has had a quite unhappy effect among the men the  
superstitious  
& read a long time before we can find the conditions of the

Attention can scarce

diffuse the particulars of the bargain under the great shape of  
subl. & medd. graph that is thrown over them  
so that the mark rather impresses upon mankind by  
itself

plain words. Since there was, <sup>so far as well</sup>  
as much in the conceit of the late Sir. R. Blackstone upon  
finding that the particulars of an obligation could be expressed  
by 3 letters namely the B, the C & the word hi proposed  
letter. I, O, W, 100 £ Actions & signs were used  
<sup>his 3</sup>

In trading with savage nations whose language we do not  
understand signs are constantly of great use but the same con-  
cerns also us <sup>in</sup> trading with regard to actions & signs which  
we have mentioned with regard to words namely that  
they be simple clear & understand in the same sense by  
both the parties. Symbolical action adopted from the man-  
ner of early ages appears in the Roman Law as well as  
in the municipal laws of

is bound  
by the Repudiation of a servant or master to whom  
he has given indentures or whom he has apprised

by sufficient acknowledgement of his trust. In private as  
well as in public life there is a necessity of trusting others

Customs they must be distinguished by some token of our trust  
a letter of credence is the most authority of these but when  
we deal with persons who are acquainted with our affairs  
is necessary that

The law of England in conformity to the law of nature  
determines that we may pay with safety to any man for  
want

his master  
to pay a sum money for him & of the master has pla-  
ced his confidence improperly "Sibi impedit"

his master cannot  
be bound to repayment in case the servant thereof squanders  
or embezzles the money

to us who want to

or borrow goods or money in  
the name of his master we may give him what he affirms  
the master is bound to repay us even though the servant has  
converted the goods & money to his own use. This is  
ordinary sense

or the sense in which it appears from other signs that  
they were intended to be used we have tended at this alone  
by an explanation in several ways in which contracts may  
be made antiquity is common in most languages of the lan-  
guage is particularly famous for it our own tongue is likewise

The French indeed owned that their language admitted of  
more profanity than ours but without reason when the  
Romans made a treaty with Alexander King of the East

They made several promises to deliver to them the  
half of his Ships of war "Dimidiam navarum suarum"  
but when the treaty came to be executed instead of keeping  
of half of the number of his Ships they obliged him to  
pay

made a treaty with the  
Duke of the Landgrave of Hesse who had promised  
and given due to him upon conditions they infliction of  
ship and dues that they should not be liable to any em-  
peror but by artfully changing a letter or two in one of the  
word of this article the emperor contrived

The words *Ornata* &

*Emissi*

daughter being interlaced with their King  
being

affixed where the word *Emissi* have

Bracelets on their left arms for aid

she would check what they were on their left hands meaning  
the Bracelets but the Latin having

by pronouncing all their  
Shades upon her a shade which said that they had performed  
their contract because they were stirs on their left arm

Art 7<sup>th</sup> Law of contracts is that an action of any kind

whenever that expectation is naturally raised or left  
writ to constitute a contract there in the  
time of war when things are

that state never or some

measure when tribes of men are separated by hostility  
can not and approach each other in safety the new party  
expulsion of the sentiment may be made by sign  
order in battle & signals at sea or off shore hounding the  
flotilla colors of a ship or grounding the arm of a regi-  
ment in a sun signal of submission & a person who would  
join on them or offer them any resistance after those sig-  
nals of surrender would be guilty of breach of faith &  
of violating the laws of war & of nations on the other  
hand such a signal made deceitfully

for the advantage  
of the other party & then reviving hostility would  
in an equal breach of faith & of the law of war or  
of that person should do any act of hostility he would  
forget his pretension as having aliad his knowledge &  
falsefied the

Art 8<sup>th</sup> Law of contracts is that custom  
in all parties this law is only the regulation of the

's public actions are to be explained & to explain them in  
a spirit of our own opposition to us it is a  
custom diff for the others to explain  
the signal

one what we affix to it. a great number of  
the civil conventions of men are confirmed by received  
custom of their country. The laws of human forms of  
administering justice & of proclaiming war & peace do  
and every where almost wholly on custom a practice or  
tradition by few may become a legal custom for long  
just as men are reconciable to

eventually it becomes a mat-  
ter of convention but practice or suffering to which men are  
not reconciable & with which they are made to comply  
by force are usurpations

to consider as matter of consideration  
of this latter kind was the curfew

England this  
Prince supporting  
that first design against his government might be  
formed in the night

the close of day upon hearing  
which they were obliged to cover their faces putt out all  
lights & hang them sober quiet till morning this  
custom which was continued under the wings of the

people contracts may be distinguished as absolute or conditional & simple or reciprocal absolute contracts are constituted by a simple promise

Illustrating the doctrine of contracts above we allude more frequently to the reciprocal kind as being the law to be most comprehensive & consequently fitted to illustrate

may be made without any consideration on the other part This is an instrument called a unilateral contract as nothing is given on the other part but the promise or promise

on one or reciprocal as they lay a burden on each party after the raising an expectation in the other party that makes these contracts incapable to be enforced by compulsory law

a woman or to make a particular person sue his health on damages for raising of expectation though they gave him nothing & did not even promise to give him any thing to induce him to perform his engagements

permitted to kept with the form of formal business engagement by making promises which they intend not to keep but the

on the hand as they indulge men in allowing their will  
as often as they please & decline the last always to super-  
cede all the former conditional contracts except, & except  
except & except those under a condition. This condition may ei-  
ther be something that does not depend on the will of the  
parties or any of their voluntary actions but in either  
case the condition must take place ~~and~~ before  
the contract expires & is not pleadable by the party

being performed. Gaming & wagers belong to the head  
of conditional contracts though they are likewise unpro-  
bable the intent of the game or the happening of the event  
that is the <sup>object</sup> of the wager is the condition that  
determines the issue of these contracts. Gaming indeed  
appears to be contrary to natural justice because it  
cannot have the common interest

of the other  
It appears however to be contrary to the law of na-  
ture in that it deprives property without any just  
or equivalent in the labour of his selling the cards or  
shaking the dice more & quite in adequate to the acquisition  
of a sum of money or damage however it can never be  
beneficial to the public. The practice of a gambler  
is illegal & dishonorable in the opinion of almost all

by gaining are too obvious to need mentioning Insur-  
ance of ships horse goods or merch among condi-  
tioned contracts the preservation of ships from accidents  
though not the effect of labour on the part of the insur-  
ers.

Therefore the insuring of ships justly  
entitles the insurer to the agreed Premium which  
depends on the losses of Trade & contributes principally  
to the good of the public by being employed by great  
numbers they

themselves which is perfectly lawful  
as those contracts tend to the common interest of  
both parties

wars doth damage they common-  
ly infund the trading vessels of that nation their  
greatest has been often complained of

e consequent-  
ly are bound to make up the losses occasioned by  
their own ships a vessel or those that are taken  
by vessels belonging to the crown

In France it is found that  
the loss falls wholly upon

but still they contend  
that it is better for England that the Merchants of

of it were at the expense of bearing all the losses of  
the master as well as those of their own countrymen  
appearance are often doubtful

boasting that  
they had ruined the French trade. the greatest part  
of them did not know that 98 per cent of the tea  
was paid by their own countrymen

the other best mispro-  
priate contracts consist of mutual promises or mutual ac-  
ceptance. Emplois venditio & locatio contractus so far  
more in the civil law belong both to the reciproc-  
al & the conditional

latter hand Emplois  
venditio is the plaintiff's most  
human life & sacrifice merely in the ex-  
change of one thing for another what is supposed to  
be of equal value Barter is the most original  
form of commerce & ought indeed to be the only  
one between different nations because otherwise all  
the money or signs of value in the nation that  
does not Barter must soon pass  
This is the  
case of the country at present with regard to En-

gland

England hindereth them from making  
good, for their own use foreign merchant from  
them with these goods but get thus money on return

is reckoned <sup>to</sup> be equal to more than  $\frac{1}{20}$  part  
of the value of the goods imported

or figure of value

which the war had brought into this country must  
soon find its way back to Europe

of laws to regulate  
trade but as long as the foreign goods are bought  
and they will be imported to the buyers  
away here insode  
deliv're them to buy & this merchant must either find  
away this money

or aff give over paying their debts  
which would occasion a war of unequal or their  
being demanded with an arm'd

now it could not be

one buys

to inform all that one person or one world  
think to be a plain & easy method yet we find that

The observance of these incomplete foundations of  
public & private credit & the

credit & public equilibrium common  
manufacturers but when maintained on account of  
the common brother of faith do not trust one  
another they are in a state little removed from  
that of Savages & must

endeavour doing little or no  
benefit from faulty Truth & honesty as the tradition  
of a nation which enable them to continue their  
abilities for improving their condition without fear

depend on each other's contracts all public efforts for  
the common good must soon cease & every man must  
trust for himself even the state of nation prior to  
Savages whom Thompson

he could not but that he  
knew how to make a small town ~~handsome~~ become  
a great & elegant city

arts & industry have  
a tendency to better the condition of men but with  
out truth & honesty in fulfilling contracts these  
cannot exist or be applied to the good of the -

community

and it is only a man or an introduction  
to certain loss when contract are not performed men can  
live only a very short time by cheating & sharping  
upon one another Industry must cease if the labour

by good morals are will or by  
just laws of a man made to law upon way in  
that he makes he is ten to lose in the end though  
he should always recover before the loss of time & the  
ordinary length of fact

profits that can arise upon from  
the best administration of justice England is said to  
maintain 100,000, men in the law department

of all  
these though they were uniformly honest & skill-  
ful would be of little consequence to that nation even  
as not for the commercial honesty that is gene-  
rally to be found among them

Industry call the natural effects made from among  
them

to procure sufficient space were afforded what was the  
most effectual means for turning a barren and desolate  
and a forsaking country the best answer that he could  
give would be to say that it was undertaken by an ho-  
nest & industrious people the effects would certainly & quickly  
follow industry must fail for want of encouragement  
or be quite unprofitable

upon the ex-  
pense & necessity of amontrongly branch we are  
fully persuaded that the general practice of opot w<sup>d</sup>  
be the only effectual — cure for the numerous  
& frequent maladies of this country

— Article 153 — April the 2. 1809 —

We mentioned among the necessary conditions of contracts  
that the thing promised must be lawful & fulfill the laws  
ought to be the guardian of morals hence a promise that is  
made at his own expense ought not to be performed & is void  
from the beginning. The compulsory laws of nature & nation  
ought not to be superseded by regulating the transactions  
of men by statutes but only by the best known  
private & industrious or if a person goes into bad company

he ought to be confident out of the protection of the law  
as well as out of the protection of Providence & ought to blame  
himself only for all the fraud & injury that he may suffer by  
going into such company. The hire of the Harlot & of the  
Apasia ought now to be the object of legal investigation  
& when there is any departure from that it is ignorant &  
most dangerous consequence because war brought not long  
since before Lord & Master Field in the Court of King's Bench in  
England.

in which however the actions  
belonged to the court accorded payment to be made but Law  
never appears so careful except when it is professed in this  
manner as the sole purpose of

made  
is made void any promise given or rendered void by the excep-  
tions of pure fraud unjustly & impossibility force is constituted  
by actual violence or menaces employed by the contracting party  
we have, however, before that no valid contract can be made  
unless the parties can be under no influence constraint or  
obligation whatsoever to determine them to make a promise  
two reasons may be mentioned why contract made in this

cannot have any  
reasonable expectation of its performance being intended a con-  
tract is the concurrence of the will of two different parties who  
are both free for doing something that depends on their will  
to which they are a quicke & equally despoiled at the time  
of making it but when a promise is extorted by force there  
is no concurrence of wills at all because the one of the parties

a contract cannot be deemed

wanting unless both parties were at liberty to make or not to  
make it often who forces another to make a promise can  
not therefore have any reasonable expectation of its performance  
as by his saying force he is quite certain that the will of the  
promiser does not concur to the transaction & therefore as it  
cannot be a valid contract

parties from the time of making  
till that of performance of the contract could count himself of any  
advantage from the will of the promiser force would be quite  
unlawful & if he must be condemned by himself as he  
would think at the highest injustice to be put in the same  
situation in which he puts the other party so that he can  
not be entitled to claim that which he would

therefore or not willing  
to perform at the making of the contract he cannot be

bound by it, though the almost force of a regular contract  
tends to oblige a man to do against his will what  
he was once willing to do

contracts made by force  
is because the party who offers it commits an injury to them  
for instead of requiring a right he may be ignorant of it  
or obliged to make reparation no right can be argued based  
upon the fact of force even allowed to constitute a valid  
contract one actus & another man might acquire a many  
rights as he pleases by an artful & skillful application  
of force & might thus become proprietor of a whole country  
& lay all the inhabitants one after another under his  
victims contribution the want of sufficient force or the promise  
or the superiority of force on the part of the acceptor can  
never therefore constitute a right on the contrary such  
a promise when given to have been extorted by force  
ought to subject the acceptor of it so even generally  
for the safety of the public the compellong law of nations  
for enforcing the performance of lawful & regular con-  
tracts is the foundation of open free war

as the compensation of injuries but the one  
in just now urged does not apply to the case of con-  
tracts entered into with one party on account of the  
nudum offered by another for by the law of nations

of another even although with him we may lawfully  
obligo that party who has the command of the person who  
did us the injury even by force to make good the da-  
mages done & to enter into a contract binding him  
not to afflict from such injuries or tems to come.  
Now a contract made in these circumstances is called  
a binding although made by force because that force  
only becomes

injuries & of the unwillingness or inability  
of the offending party to make reparation. This on  
occasion of an invasion of  
of a state by the subjects of another whether in the way of  
invading a neighbour

that gives a state to whom the invaders belong to make  
compensation for the damages done & to bind himself.

in time coming now this truly tho' brought about by force is  
a binding & lawful contract as the force that is used to pro-  
duce it is involuntary & accompanied only by force & violence & un-  
willingness of the injuring party to make reparation —  
the same is the case with the person that an guilty of  
assault & battery who are obliged to enter into a recog-

ngan offer a sum of money which he to fulfill on  
their removing the assault & the contract thought the  
is legal &

binding having become necessary by agreement & in order to  
prevent the like injuries the example of some who have  
written

It was or military capitulation War being a return of the  
state of nature & all persons & states being only  
in a state of nature with respect to each other or having  
no common judge or superior on earth force must be their  
law & the ratio ultima regum so that what is decided by  
force among men is a return of the law of the state of  
nature & by the same law ought to be exerted because the  
same force which ordains the contract still remains to  
compel the performance of it. for the same reason given  
in this Paroll she that was exhortated

Count D'Estaing in this country during the late war was  
he having brought his Paroll to the English in the  
East Indies during the former war & the being known  
to the troops & officers under his command made  
him suspect in their eyes as the French an spy now

exception to the validity of contracts is fraud which is  
constituted by the deceit which a party employs in or-  
der to obtain a promise. It is impossible to enumerate  
all the ways in which fraudulent contracts may be  
made null & void as also the responsibility  
of parties entering into a contract should have  
the use of this reason on the same account they ought  
to be truly informed of the nature & consequences of the  
contract into which they are entering and so far their per-  
sons only that they need the excuse of their reason  
It may often happen in lawsuits that parties may  
be very unequally informed or on their guard with  
respect to the subject of the contract into which they  
enter & when any one party takes the advantage of  
her superiority of skill or information to induce the  
other to make a promise that is judicial to her in-  
trust this when proved void the contract becomes a  
void contract but for both parties to be fully inform-  
ed of the nature of the engagement now this  
inequality which we  
formerly applied to children & idiots because a person

who is not truly informed of the nature of a trans-  
action is quoad hoc a child or an idiot

advantage of his audi-  
tional ignorance in the same injury as of the ignoramus were  
natural & unavoidable. Mr. Roman law makes  
a distinction in this case which is not very easy to be ob-  
served or applied to particular cases according to as the igno-  
rance of one party when it is unavoidable, unintellect, or  
fraud & invalidates a contract but if the promisor had an  
opportunity of being fully informed of the nature of the  
contract though he did not actually understand it at the  
time of making

any other except than latent Employer  
or that other axiom "Lex vigilanter non dormientibus  
est scrupla" In the ordinary contracts of Employe even  
then it is impossible that both parties should always be  
equal or even nearly equal with respect to their knowl-  
edge of what they are contracting for therefore in  
common cases when every one at least has the oppor-  
tunity of inquiring

interest to their own skill & denies them  
relief on the exception of ignorance but when one has  
by trust to the other the person who gives the information

is bound to make it good otherwise he is liable to the plaintiff  
for making a fraudulent contract if indeed the seller  
of any sort of goods says nothing of their quality,  
the contract cannot be en-  
dured

had for it  
then the contract is voidable on account of the false information  
which the buyer relied on true now the reason  
of the invalidity like that of the grounding on an object  
was <sup>so</sup> known to a party who are known to be deceived con-  
cerning what he thinks cannot rank as a violation  
that he will perform his contract when undamaged the  
of a man sells to his neighbour a horse that is lame blind  
or otherwise handicapped & unmercifully at the same time  
warrant him to the buyer a horse free of all blemish  
as the contract is voidable as the aforesaid grounding  
from a relying on doubtful & false information &  
guarantee reported once to have sold a blind horse to  
a brother guarantee is every friend is not quite written at  
the con under this assurance that he was free of all  
fault but when the blemish was discovered & com-  
plained of by the buyer the seller replied

an infinity power engaged that my Servi were  
free from infirmity for we have all our infirmi-  
ties consider'd the greater we mean the fitter  
<sup>or an other</sup>  
or less of land, horse, horses coaches or Horses the  
less is supposed to

ground falls the contract will <sup>be</sup> though the lessor can not reflect  
on the performance of the condition; but if the circumstances are  
of such a nature as may be equally obvious to either party  
in that case the lessor is not bound by any information or  
opinion which he gives concerning them as he again  
the rule taken shall exonerate Employer In using the goods  
that are located least damage or hindrance The Lessor or his  
agents to use them longum bonum habeat familiam et

<sup>et</sup>  
or above he is answerable for the damages but the damages  
that are incurred by the lessee depend upon the things loca-  
ted cannot be demanded of the lessor if being the use of  
the thing that is paid for the reciprocal contract of  
Employer condition may be considered as a standard or

Terms the Buyer

th. give th. Seller th. commodity, now if th. Seller, an  
th. arrange thir mutual commission & difendane may  
be illustrated by th. rule of three or dente pro  
in an shmetter for all th. term. thir arranged to stand by  
th. 4 first letters of th. alphabet Then as A to B

a th. product of multiplied

by will be equal to that of multiplied by  
that non legal word of th. Buyer produis & pays the  
agent you th. Seller might be deliver th. reputatio  
quality & quantity of goods

on credit th. arrangement is diffent  
for th. A will stand then as C to D so is A to B but  
th. issue of th. operation is still th. same We thus don't go  
question that is th. Agent of committalne justice in all civil  
contracts & all of them may be reduced to th. form of  
Emplie worded except thof of th.

th. one practical as

an Entymen to a Syllogism now what ever makes  
or vises th. dent proportion in contracts exequt  
ought to be redifin so th. th. just proportion

may be offend  
the wife

then making  
his former innocence is to the security of his natural rights  
for the Pleonaria or criminal excepts that condition  
to which he ought not to be reduced by the law or if he can  
find or the case in question under municipal law &  
not on the state of nature as above we may disburser  
justice by the rules of decent proportion

the Penalty in the  
2<sup>d</sup> the commission of the crime in the 3<sup>d</sup> and lower  
the 4<sup>th</sup> less which is sufficient according to a  
criminal indictment the form of affliger in a  
way up to

The major the commission of the crime makes  
the minor & the sentence demanded from the conclusion  
now the first

law particularly of the Lex talionis which was  
admitted into the criminal law of the eye for eye  
burning for burning - Homer adopt. the same  
<sup>for bruise</sup>

which said their branfable "me"

"Quam no - arsipium ar le gono se fū"  
Phalaris the Tyrant of Agrigentum in Sicily who appears  
by his letters that are still extant to have been a man  
of learning

caſe. whom one Perillus had framed a Phrygian  
halter rather of a Bull he made against of it to the  
try and that he might under those in it he had for  
put to his favor & burn him to death by fire applied  
from beneath Phalaris immediately

of his own invention for which  
action he is highly commended by Cæsar & Ovid - Jupiter  
was regular Tuoru Distinguishing friend & promoter & often  
reality

Employe condicō may be much varied by different  
circumstances or by the time of payment plan upon  
quarrelly trouble expense & the like or by damage delay  
inflame defect or ignorance but by the doctrine of com-  
pound ratios all this though may be varied to the

rule of proportion. In contract of Landed conductio or

he pays such a relation & care of a ship thdng of a horse  
or a horse under the care irrational & attentive person or  
the steaming of a sled under rational husbandry but if  
the master is guilty of waste by wantonness

of a horse  
left these subjects in a wasteful & negligent manner  
or of the horses of accident or horse killed by overdriving  
or overturning or running away occupies the detriment of  
and neglect of master requires that they should be  
paid no matter compensation the subjects which are  
dead or dead right at the time of the contract to  
be entire & complete on their hand or if otherwise it  
ought to be explained in the contract off his horse  
die thus by the law of England of a horse that is  
dead worth a horse or any part

of a ship coast or  
ship or broken the sum required. The same is the  
case with regard to a ship if it is cast away notwithstanding  
rational care

by means of

of the manner which an all lessees of the high way  
away by the public Law of Germany no rent or due  
to a landlord for that whole year in any part of which  
the owner trod over any part of the farm because  
the tenant Bargain for protection on which account  
knoweth Tenant

or to do from small damage as if it  
happened at all the discharge the whole sum of that  
year before commonly caused from the accident against

invasion & melting of the snow & in infaring like their  
like manner except destruction during a storm or  
or depending on the will of the party. a second reason  
why fraud ought to invalidate any contract  
is if it intervenes in lucid direct or imposi-  
tion or injury - & consequently gives the party  
due to a claim to reparation instead of creating  
a right on the part of the debtor to his prejudice  
even when the condition of a fraudulent contract is  
not demanded the party who claimed may have  
an action of damages against the debtor though

Lecture 154<sup>th</sup> April the 3<sup>d</sup>. 1797

of the 3<sup>d</sup> exaction to contract or that of injustice which consists in the wrong that a third party would suffer from the performance of a contract. There are 4 diff cases in which these exactions may be  
the first when neither of the contracting parties was aware of the wrong. This is the easiest & most favorable case. In examining the morally exterior action we have frequently put you in mind that the animus injurandi or design of doing wrong is the infra ultimate object of legal injury or punishment & that when this can be fairly proved from an action it is not criminal though it may be hurtful. Injustice is commonly connected with fraud as there can be no injustice where there is uprightness of intention. By the Roman denominating fraud dexter makes it evident that they assumed that there was a certain dolus bonorum or puttable place of suspicion & that criminally of fraudulent action consisted in that common consequence last not in the deception they supposed that dexter might sometimes be innocent as when a physician informs his Patient that a necessary operation will not be very painful to induce him to undergo it or when he questions something to us he has an antipathy with the form or name of such other thing under the head whereof they received their doubt that an offer made to or called in to induce them to do their duty or to prevent their asking important questions. In this in-

and the intention is manifested though with respect to some  
of them the consequences are not known but when the powder  
intention or other malice can be clearly proved for an action  
it then becomes evident though it may be inconvenient to a third  
party there is an honest man taken away by mistake and  
the man left supposing it to be his own being deceived by  
the singularity of the colour or form or in the darkness of the  
night the intention in the case that the other malice did not  
entertain a intention that the inconvenience occasioned to another  
nearly accidental but if a party of a perfidious character in  
bright day light comes out of the company a new gold band  
hat belonging to another person

it will in the case always be difficult  
to maintain that the other malice did not intend or that the  
thing happened by mistake or absence of mind. On the same

the parties were a-  
ware of the intent it then becomes impossible to suppose that they  
had any criminal intention which is the only thing that is  
sanctioned by law so that the contract is simply a  
but no conf. or promise is due either to the promisor  
or to the accepter. The 2d case makes only the party accepting  
responsible of the wrong thus if a man engages to do an  
illegal act in the former case not knowing that it was  
illegal his obligee waives the moment that he is un-

deemed & his ignorance of the consequence of the action  
excuse him from blame. Knowledge is absolutely necessary  
to intention or design "ignota nulle est ipsa" & when it can  
be proved that a party had no knowledge of the  
wrong then the Contr. is not only void but the party  
accepting has committed an injury against the party pro-  
mising, as well as against the 3<sup>d</sup> party who would have  
enjoyed if the contract had taken effect now both the promisor  
& the 3<sup>d</sup> party in this case would have had an action of da-  
mages against the acceptor if the contract had been actually  
performed but when this is not the case the acceptor is bound  
to Indemnify for his good behaviour in order to satisfy both —  
The 3<sup>d</sup> case is when only the party promising was aware of the  
wrong & this may be divided into 2 cases according to  
whether it must admit of different solutions & off by agreement  
with an intention to conform  
of the promisor with an intention not to perform  
but to plead the exception he is then injurious to the party ac-  
cepting because either of these cases the promisor is injurious &  
an action of damage lies against him. The 4<sup>t</sup> case is when  
both parties were aware of the injustice in which both are  
concerned

conjunctly a generally liable to action of damage. Mutilum  
is a contract in which one man lends to another something  
that he promises to repay by a thing of equal value either  
of the same kind with the thing lent or

or the power of contract applies to  
lent of money corn provision or any consumable or salable  
article which one man borrows from another under the promise  
of paying him something of equal value in return & commonly  
charter in the condition of paying interest for the use of what  
is lent according to a certain rate or proportion for a determined time  
not to be less than ten days that the mutorum is  
distinguished from the commodity lent me up the term of  
borrowing a lending indifferently with regard to each having  
no term in our language to express the distinction between  
them thus in any contract of mutorum the borrower does not  
promise to return the same individual pieces of money or grain  
or corn

commodities which he borrowed but only something of equal  
value in common what may be either exempted or omitted as  
the parties agree and if any particular sum of money or good  
is especially stipulated payment must be made in that proportion  
by such only value in general is exempted this must be un-  
derstood of the current money of the country when the contract  
is made now as the proportion of money may be inconvenient

advantage to the Borrower a certain rate of Interest for a certain time may be demanded by the Lender & this is fixed by the law of the Country & the proportion with the sum of money on it is the demand.

That sum placed in it where money is spent & trade is established the interest might be at a high rate but when money is lent in opposition to the demands of commerce the interest might be low. In England the legal interest of money is 5 per cent though the

parliamentary party have chosen of the rate of 3 per cent. In the East Indies the legal interest of money is 8 per cent among the Moors it was commonly 10. In Countries of matrimony or lending of money all the other parties of matrimony being quite safe the borrower must give security to the lender not only for the principal sum borrowed but likewise for the interest agreed.

Security is the honor & character of the Borrower on which the other values & comprehend also all his movable effects but the real property is the pledging or mortgaging a land estate.

conditional conveyance of the Estate to the Lender in case the sum borrowed is not repaid at a certain time. Of the Lender depends on the honor of the Borrower.

on the personal  
credit & credit of the Bourgeois are very small & yet at the  
same time he has a real Estate the Undermax at the same  
time

The feudal Law in many cases did not sub-  
ject the real Estate to more than debts but required it for  
the Heir in order always to have a sufficient number of  
vassals to the Prince without of the Soil they likewise on  
purpose made the conveyance of real Estates very difficult  
and difficult with a观看者 to prevent the Proprietors  
of such Estates from borrowing by releasing their credit  
to bind out the posterity of Landlords & heirs of Estates always  
in the same families

This person is liable for his credit  
able all attempts therefore to cover any part of the Estate  
of a debtor an contrary to natural justice & by the compul-  
sory law of nature ought to be repelled by force least in  
the ancient judicial constitution those regulations which were  
made by laws in order to give Estates on the same family  
were not liable to the imputation of injustice because  
the intention was known & in the case of the  
Debtors Proprietors of such Estates being only ten hours for  
life according to their constitutions in any thing else than  
the yearly profit of their Estates during their natural lives

so that they other burden them with greater sum.

depends  
convenience of the ability or inability of the Borrower  
But it is melancholy to observe that states pertaining to  
war & justice should have <sup>did it</sup> defend their national char-  
acter by changing laws with a view to deprive the creditor of  
his person

which is a matter of charge & not of profit. The Law of nature  
ought surely to be the standard by which all municipal laws  
ought to be framed & when the <sup>a</sup>forefather states only ex-  
empt themselves to the contempt & execration of mankind  
by making laws contrary

confidentially of the Borrower  
of money he may demand a copy to sign the contracts  
along with him & to be liable of payment in his favor in case  
of failure of his or not satisfied with one party he may do  
more or less he is allowed because every man  
has a right to give credit on what security he will trust  
his money out of his own safety one man has a right to  
debt to the tenders or proprietors of money on that head

public Bank than were not a few people  
utterly destitute of common sense & ignorant of the na-  
ture of law as well as of property as a matter of course  
against last reflection that the Bank would not lend  
this money to every body but only as they pleased and this

law of nation to dispose of their property as they please  
and to lend it to any person however sufficient unto them  
choose at such Banffid Injustices never made so ap-  
pearance in any other country and in contrary to all idea  
of justice tho' agreeable enough to the notion of some igno-  
rant persons to suppose that corporations or which is  
the same thing private persons can be obliged by law  
to lend their money to every needy known that affisit  
of them

The right of property a undivided absolute and  
man or County of men can be found to lend their money  
to any person whatever except as they choose the stupor  
of Hamlet publications that endeavor to propagate  
the notion were only branches of a scheme to introduce  
a community of goods &c

no contract of both parties  
an not agreed upon if a party be obliged to lend his money  
against his will there is a contract made by one or con-  
sequently shall be all the mireless which we have ob-  
liged them to belong to contracts of the nation what are  
real & punishment injuries instead of being the means of  
enacting

there another

for wanting a reason for not paying his debts, or the  
right to an instant payment on his  
But the主人 of the country would be universally  
degraded & all commerce soon at an end if any person  
Country should be obliged by law to give away their  
property

Prive to the publick if it were really  
applied to all that ought to be under it & so  
far ended equally applied that it punishes theft

with equal severity to them who endeavor to

Appoint to no  
rural justice Gold & Silver on account of their rarity  
desirability & easily conveyance as well as the general  
use of them among all mankind have been a  
desire by all nations the sign of wealth & the regu-  
lations of property in the commerce & mutual trans-  
action of men & when humbly gewalt the Bills of  
private persons or of publick companies will  
equally fine the same people but when humbly  
does not gewalt there will be no paper currency or  
it will degenerate

seen that the author of such Bills  
either cannot himself not pay them but if all the ma-

generally  
concerning ship that are paid by a Company, shall be judged  
the most summa & Hazardous to be used  
evidently deficient in honor & honesty  
in Bills of exchange made or the notes of a company  
can be put in suit of payment or refused if the signers  
of you can be obliged by law to pay them against their  
will but who can go to law with  
they please or disqualify the value  
of their own Bills to the loss of others when proper cov-  
ering is entirely on the hand of private person or public  
company it can go no further than their credit extends

any time for gold or place but when  
Bills become Bankrupts it is only a right to their becoming  
Bankrupt and least to make these persons Bank-  
rupt who have had the misfortune to

do not well meet  
with people who are willing to be cheated by their  
prompt. We but a poor apology for a state not paying  
them consider that they have been exceedingly anxious

speculator at the expense of these. We are only  
adding our opinion to this but after all the mean-  
est of a科an & starting an exhausted man must  
go forever later by the utter ruin of their credit

of honor in the rising generation  
or a finer abhorrence of all the acts of Slavery is  
one of the best means for infusing public & private  
spirit & for removing the manifold & heavy encum-  
brances that arise from the want of them

or example it is to no purpose for a debtor to say that  
he was robbed of his endowment or that he failed to  
of that nature The laws ought to be such as to make  
sure that the ordering must be made while  
the debtor has any property

till the demand is  
satisfied The members conformed to natural justice  
though the municipal laws of countries are

Borrower is his creditor till his claim was satisfied  
but if Solomon had lived then our time in which  
debtors can't be Legitimated — — — he might  
have given the lender honest to the Borrower & Mi-  
gated by laws of the debtors making him

alone, till he had <sup>such</sup> ~~had~~ <sup>ought</sup> ~~ought~~ <sup>such</sup> ~~such~~ <sup>ought</sup> ~~ought~~ <sup>such</sup> ~~such~~  
paid his lawful debt. — — — — —

If then the citizen can have confidence in each other  
the lending of money upon Interest may be of great convenience  
to the publick many men who are possessed of useful talents &  
arts are not however able to apply them to the Benefit of the publick  
for want of the command of a little money but when credit &  
confidence prevails which depends entirely on punctuality of pay-  
ment such men are easily enabled not only to exert their  
talents but to acquire property for themselves by careful  
industry & to instruct others by their example how to acquire  
wealth & to realize a great deal of property that was not for-  
merly in existence that agriculture might be uncultivated indeed  
which does not give the husbandman his self only feeds him  
& leaves producer such a surplus as may enable him to buy  
what he wants from abroad over in this case no property is culti-  
vated & nothing at all is added to the wealth of the Country when  
then is no trade. That brings in money or the sign of wealth  
especially when a Trade exists that carries them rapidly  
out the money & property of that country must lie in a very  
quick decline like a candle handled at both ends now if

there is no perfectly realized except

by small & one good reason must let men see the  
utmost extent of all his arguments for us. The sign of value  
not being the natural product of the country cannot there  
fore remain in it for his increase - until there is some pro-  
perly produced orvalized here which may bring them from  
the countries where they are to be found & from whence have no occa-  
sion to bring any goods now if even the last crop & the next  
obliging expectation were all to pay the debt which we  
contract abroad in one year you hope at least might be inter-  
vened of our own slaves without altering the  
present law but as this is not even intended to be the  
case our affairs must be on a constant degraded & our  
debt enlarged as our money

you know which can only give  
us something to eat while we are wearing th. unpaid for ma-  
nufactures of other countries has already waited so long but  
perhaps th. total failure of credit with which we are threat-  
ened

truth that we have been playing the fast botheis money is  
only the reproduction of mounting property & a loss of th.  
balance ofaden & your Trade but when there is little  
industry & few manufactures among men as must manufac-

commodity there can be but little money & little manpower  
but but where much work is done & much property  
realized by labor the transfection of men will be a-  
mazingly numerous & exterior to the goods of their toil we  
will not only supply the want of their own country men  
but afford a considerable surplus to export to foreign nations  
which may

value in a state but where there is no such influx or indeed  
by to produce the money in any country must be constantly  
diminishing without being capable of increase like a vessel  
of water with a hole in the bottom which

little time having no  
means of supply money being the produce of Industry  
will always be found when that abundance must soon be totally  
wanting when it is not as the production of Industry for  
with the fulness of human transfection a commensurate like  
up furnish the signs with which it is carried on but these  
signs make no real wealth with industry & have a very  
small relation to its production only a certain quantity of  
these signs is needed in any country & should the new people  
you be greatly

enfied of being temporal what was the consequence  
for instance of the too great abundance of unspent money?

were to become profited  
by merch of 10 or 10 bushels of ready Dollars what w<sup>t</sup> b<sup>e</sup>  
the consequence? only the stagnation of all industry & effect  
of national madness.

would go to work in the field for  
a small reward or would do the least thing to encroach his stores  
The wage of labour & the price of provision would rise more  
than 10 fold & in words be the most miserable party on  
earth till our superfluous wealth had found its way to  
other nations & returning misery had obliged us to work  
for our own people money n<sup>t</sup> to industry what water is to a  
mill & richer quantity of it must lift a motor but a  
larger quantity extinguishes & destroys it while the  
wage of the labourer can paid & the transaction of men  
multiplying Industry by this means mischievous  
must be augmented greatly but when there is too much  
money in the circle industry

As much money therefore circulating figs of value as  
gives him a annular industry is really serving no state but  
a greater quantity only exhausts & stifles it by rendering it  
unnecessary & promising nothing but a  
misery in the natural work for the sake of motion

greater to disengage men from Labour altogether nor  
so little as to make them indifferent about it but such  
a degree of misery as might have them constantly  
employed now if a man can earn as much in one  
day as can support him for a week he will never  
work two days & then only a 6<sup>th</sup> part of the work will  
be done that might have been done & so of all other  
expences money lent on Interest can be useful only  
to the industrious who can have no property

so that all that is lent to him is necessarily  
unavoidably lost ther if a man works money only  
to buy men foreign commodities or to buy lands that  
produce nothing it is a sufficient token when he gets  
it lent a month quota sufficient to the end for who  
can have no hopes of the payment from a person whose  
circumstances can never be better & whom every reasoning  
from longer men supply in debt land of no value at  
all of it is not cultivated or yet productions are not sale-  
able It cannot therefore increase the credit

although therefore we had money lending  
in every town upon rated land every one as much as they  
pleased yet of us have us lending they continue to

repaid & thought they even able to give me a quiet deal  
other countries so that we would be just where we were  
again no bank or groat person will or don't lend  
without the prospect of repayment & state money is of  
all others the most fallacious & best fed because it is  
in the power of the meanest citizen to reduce it to nothing  
in a little time

therefore an externally employed in degen-  
erating of a currency therefore that's liable to degenerate can  
never be for the interest of the

to borrows & who depend  
upon the return of paying endt no man who borrows  
money can ever be able to repay it except either he has some  
trade or what he employs at which produces a profit  
much larger than the legal interest or profits on an Estate  
of growing fidelity In short the borrowed sum must  
be somehow employed so as to produce besides the interest  
of a sufficient profit to the borrower to recompence him  
for loading himself with the greatest of the principle &  
actually to make him to pay it at the time stipulated but  
to borrow money when it does not produce greater prof-  
its than those evidently a little only its mainly to  
keep out one credit for a little time whether a dismal

money without buying any account of what he gains  
by it but throw it directly into the gross amount of  
his own property he may be ruined before he is aware,  
and die.

of money by those that have neither any pro-  
fitable trade nor subject of imposable profit, is only  
had in the Borrower's name to the Lender. To borrow  
from one person in order to pay another which is called  
in the Roman law "Hereturum facere" is a most  
shabby & impudent trick which gives no alleviation  
to the wrongs of the Borrower & can last only

manner must be very quickly taken for the lender  
of money if he has good friendly needs only to wait  
the lapse of time because the law sufficeth money to be  
produced and always ready when duly employed  
the law of all countries have forbidden the exacting  
of compound interest after interest on account of the  
amazing advantage that it giveth to the lender &  
quash even what it must bring on the Borrower  
this conduct is so great as to be quite incredible ex-  
cept it were established by calculation yet no  
law can hinder the lender of money from lending out

profit to them though not the same run to the others  
but where there is no particular injury the lending  
of money must be subject to the lender as well as to the  
borrower. Usury is the demanding or exacting  
more than legal interest for the money lent & contract  
made for such a purpose or an such a condition as  
are in law yet this offence may always be committed  
with impunity as long as the lender & the Borrower  
agree together

whether they are able to pay before they at-  
tempt to borrow because it is the same degree of dishonesty  
to borrow when he doth not know whether we are able to pay  
or not as it is when we know for certain that we are  
absolutely unable when men conceal their guilt from  
themselves this men do it instead of demanding the  
debt because guilt like debt grows by neglect &  
nearly infinite though

borrowing money cannot properly  
be entred into bona fide unless the borrower has carefully  
calculated & considered his income & losses & opportunities  
of gain so that he is morally certain that on the  
usual course of things he will be able to pay the

enough & enter into the law agreed but to  
borrow money without this certainty required to give  
the holder we are now speakers of personal security  
for when a man mortgages his estate this quite  
fair leaves in the case the lender knows the  
nature of his security & the probability

property from the claim  
of lawful inditors or to render the sale of the Bank-  
notes & other labor & skill for continuing to make  
and gather & sufficient to a community. Indeed  
when men of great luxury at the same  
time greatest many men will easily

whenon contracts are hush'd to family but still will  
overall in consider too last for luxury humans by  
the nature of things. The law cannot prevent them

In England the Lenders of money have contrived a  
device for injury which puts them out of the  
reach of the law by giving out that money not as  
as a loan but for the sum of a yearly annuity  
what the Borrower promises

any time by

making payment. one of the many common ways  
of borrowing money or what is called the contractor  
mohatra which though long since famous in  
the civil law is still practised in many countries  
yet has not got a name

its arabic name

The contractor mohatra is only a fictitious sale of  
goods contracted to cover an injurious contract when  
the Borrower applies to the Lender E.g. if the  
loan of 1000 £ he tells him that he has no money

so produced a receipt to the Borrower at 1000 £  
e. he leaves no money sign an obligation for that  
sum then in order to dispose of the goods thus  
brought

for 600 £ which he accordingly receives a fictitious  
obligation for 1000 £ remains in the hands of the Lender

Lender first sells & then buys back his own goods without informing any other person the numerous & fraudulent nature of this sort of contract is very easily seen but no law can properly prevent it as it can be committed at any time or place with consent of the parties concerned only witness

of this kind the Jews are great dealers in this kind of contract but it is by no means peculiar to them it often serves like-wise as a vehicle for bribing & corruption at elections the candidate paying an money from for a very sum

value In this manner a single apple tree has been known to have been sold in England for 5000 Pounds & a leg of veal for 1500 Guineas & in all the other forms of contract of modern except borrowing of money no interest is legally due unless it is expressly stipulated when so interest is not due by law for any thing except money would be difficult to enumerate all the different forms of contracts that occur

But all of them when understood may be safely reduced to simple contracts or simple

exchange & by that I mean the right of Both  
parties may be

an alteration of all paid  
or discharged will safely make a man to discharge  
debt even while it is left discharging a contract the  
rights of men which were given them by nature  
even when entangled in the law of municipal law

of Law fit out with Whips cause a person whom com-  
munity authorise practice they may perhaps have it in  
their power to do signal injury to their country but  
in order to do this effectually they have likewise  
kind of honest guns which it is not in their power to  
govern. The 4<sup>th</sup> option to contract is that option  
probable which extends to every thing that can-

every article that exceeds the power or that does not  
depend on the will of parties more than a captain of  
imprudently like the former may be offend in the  
case 1<sup>st</sup> when neither of the contracting parties was  
aware of the imprudently  
or friendly when only

imperfection which conduct or other such irrational  
or may be injurious to the party promising  
by drawing them into from a justly attempt  
or really when only the party promising was aware  
of the imperfection in which such a injurious to the ac-  
cepting party by creating vain expectations but the  
laws of nature are so imperfetly

only by accident so that contracting for imperfection  
makes a very large part of the transaction of our  
mortal age and a one of the most calonfree fund of  
fraud according to contenders  
to conjuring divination & judicial astrology have  
been very famous in most ages though it were this  
idle suppos

futurity which nation has had from men  
Mankind however are so fond of knowing futurity  
that they have always desired with great eager-  
ness to have a intended to be able to tell them any  
thing about it & not only paid them richly for  
their intended labour but have hurt themselves with  
great care from discovering the imperfection of

thus

as Witcheratt depend upon the same principles yet  
the persons going to defend hard long man had have  
been taken to bed by them home we know of no na-  
tion in which it was not believed that there was  
some method

thus Pow-

was which has not got laid aside. Crimes in  
ancient times were always attended

by them upon

most occasions Calchas was the Augur of the Greek  
Army before Troy & in Plautus attended a dinner the  
proceedings of Hector the G<sup>o</sup> in his eator  
five ram'd thro' Africa & Asia. The Trojans in-  
died appear to have had no augurs though their  
Hector had several of them on their armies Homer  
introduces Hector as offering his sacrifice on augury

the East or to the West & yet the rest of the Trojans  
are described as shudding in augury. This was a professed  
science in Rome from the time of Romulus down  
to the time of Sertorius a period of more than 1100  
years

The Principle of God in office & deliberation  
of contracts for impossibly  
ties & this for founded the Paper, suggestion & settled the  
use of sum of money to Push for gratifying to do for them what  
could not be in the power of any man  
the plan of the philosopher  
alone was first introduced into the world but it was known a great  
quantity & had reached many people as early as the reign of  
Diocletian as we are informed that a number of Books on this  
art were buried by his order in Egypt & were in the time  
of Pope Leo the 11<sup>th</sup> alchamists were still in command & as  
we are informed that an author presented a tractate on that  
subject to that celebrated Pope exerting a considerable  
influence among them for the honor of the Dedication  
but the Pope only sent him a dozen of empty cups with  
a message informing him that a man who could make gold  
needed nothing but purpose to put it in the project

A Prologue very  
short both in the Name of Mr. Bigot  
& during the Empress & though they were often  
exclaimed & ridiculous  
expectations that they raised yet they had always so many

Friends that this

comes herewith you don't know what I write for  
established at present "Man kind must all  
ways have some favorite delusion the ridiculous  
fis of Quacks to heal all diseases now offens of religion &  
government

of government in which all mankind be kings have been  
used to the delusion of former ages so that mankind are in  
fact no wiser than ever they were but have only changed  
the nature of their delusions

who tell them the truth & to admire  
Solomon thus deserves a reward. The 1<sup>st</sup> Chapman that  
both parties are aware of the impropriety an unkind ironi-  
cal & absurd yet some of the most vicious transactions  
of mankind have been liable to this exception

Century all the people in  
France were quite mad for opening a trade with the Mississippi  
Company though they never attempted to begin the trade  
in mercantile forms of money

imaginary property of the Mississippi Company  
were bought at immense prices by getting in their  
hands while they bore a high price &  
multitude of opulent people were reduced to beggary

The same made the people of England apprehensive  
from time as they have always desired to be inferior to  
the French in any

that Country a Trade was established to the South  
Sea & a governor & company were appointed & incapa-  
ble Books were given in a number of places for receiving  
Subscriptions & all ranks of people vied at each other in  
subscribing their names & subscriptions thus money in  
the hands of this company who promised money to be  
burnt though they undertook

considered that the English had not  
a foot of land bordering on the South Sea & that all  
the countries bordering on it were either inhabited by sava-  
ges or in the possession of other nations & consequently  
could not trade with them. They intended only the  
hurry of

to supply the Spanish Settlement with  
Sugar yet the impossibility of the thing did  
not seem to

understanding & when the subscription was full  
the share of the subscribers was bought back from  
them by others at immense advantage & even their  
shares at a still higher price & many people exhausted their

gainful & commanding a scheme. In a word it was not  
profitable to conciliate the majority of the nation at that time  
The Books

for which reason many other designs & other  
corporations, forsooth tiller of the soil  
forsooth tiller of the soil

These corporations were called by  
the emblematical name of Bubbles yet found abundant in  
conveniency & multiplied every day one of them was de-  
signed by the governor of the company

more extraordinary than few instances of the actual suffer-  
ing to them who thought proper offering were taken in with the  
general madness

In Romanus Houpholt Tenant & apprentice to  
Trader men were enabled to buy the Estates of great Lord &  
persons of the greatest fortune were induced to  
on what occasion I understand  
they could be paid when had any who did not conceive  
the unprofitability of the sum to that were made to them

afforded that  
a greater number of those persons who became rich on cred-  
it became mad than of those who were reduced from  
opulence to beggary when such numbers

in proportion to the -

in the English funds under the name of S. Sea-froath  
no one impelled to suppose that all or even a majority  
of the members of that people who were concerned in their  
undertakings did not perceive the impropriety of  
the design on which they were engaged

appear with at  
a time when madness was in fashion before the gene-  
ral corruption became which we have mentioned  
there can be no particular to conditional & reciprocal  
contracts. As 1<sup>st</sup> All conditional contracts are void if the  
condition has failed or is found to be unjust & impossi-  
ble this mostly an application of the foregoing exception  
to the condition of a contract on which its performance  
is suspended all conditional contracts are susceptible  
of a double view as in case of the conditions taking  
place they might be performed and if so not they  
are void of course now the condition being liable to  
negligence as well as the performance that happens  
that builds up against it an amount equally to the execu-  
ting of the contract as if they had related to the perform-  
ance of it to agree or promise was a lawful thing  
under an impossible condition & the same injury as  
to agree or promise a fact in itself unjust or impossi-

be because the nature of

condition for this

Reason ignorant people are most apt to be imposed  
on by form of a conditional contract as they are often  
not able to discern the greater impropriety of whom  
they are infatuated believing that he who makes the De-  
al offered to sell the useful part for a sum of money  
and one willing to purchase at a very high  
price but when it was paid the infatuated told the  
other party that the part was of such a nature as could  
not be communicated in words or writing.

The words immediately  
and hurriedly prepared of the part according returning  
to the house from the market soon fell that appeared to be con-  
posed only of bread

that could never think of that when  
the candidate for congratulation had almost cheated him-  
self by indicating to his fellow men of them

Devil than to  
see the same suffer a second time. & the condition of  
a contract may be either a mere contingency or it may  
depend on the will of either party when the condition  
is a contingency the parties may be allowed to interfere

by the plenipotentiary at the beginning. The transfer of gold  
privy by the force of arms of Spain or of Hell has never  
nearly been tolerated in all nations but it never & is now  
very lawful or honorable on any, especially on the earth.  
The transaction in gaming & the playing of lottery have  
nothing in them that tend to make a right according to  
the law of nation.

excepted to on the score of injustice or  
want of accordingly the law of England gives  
no action against the loser to the winner of any sum above  
10<sup>L</sup> but the principle of honor which is most greatly employed in  
enforcing the payment of lawful debts has been perverted &  
frustrated by the gamblers & by their perfidious & misgiving  
of things.

unpaid while the most unjust claims were ratified mainly  
because they are called debts of honor by men who are entirely  
affilate of that name.

early promising heavily becomes bound  
to perform one action in consequence of having reluctantly  
performed another new if men are wise  
they will make no contracts for transferring any  
of their property in contingencies except only in the case  
of insurance a losses at sea will

manhood in the course of lawfull  
industry. If the condition depend upon the will of the ac-  
cepting party he then acquires a right only in the work of  
having performed the condition. In mutual contracts  
from the other they expect or by claim as to need no  
commentary or induction whether the Law of acquirest  
or by forfeiture depends on

as incurred as their duty  
made a contract or by committing the crime whereover  
has done an injury a bound to repair it or in this  
manner the injurious person has forfeited to another  
whatever forsakes his claim now in this case

.. The first object of justice & the fundamental to prevent the like  
in time coming & the municipal laws of nations ought  
to pursue the same end in the same order so soon  
conferred by action that an equal & un-  
burdened such actions shall be prejudicial to others an  
injustice, not injurie a right of prosecution  
is acquired by occupancy only

not formally appropriated  
as acquired by labor alone while things are in

Undoubtedly appropriate the  
production of it to the person who shall desire an  
example

from convention and from  
occupancy. It would undoubtedly be indeed unprofitable in  
most cases  
properly to the beginning or to rectify all the wrongs  
that may have been committed in the course of  
age because if we look a little backwards we will  
find that the most part of the just rights of men  
in the world are originally derived from myself.  
the author & interpreter.

To give a decent  
foundation to property the peaceful possession of land  
for a certain number of years is held by convention  
to be a right of property in what power manner it  
may have been originally acquired. Thus in England  
the year peaceful possession establishes

chancery and what so  
ever the law of another nation may provide

to prosecute

Human. due time the City of London & their attorney of  
desire an officer among them delay of parties to prosecute  
their rights in due time & therefore the law holds it to be  
better for society that I from just rights should be  
totally lost rather than that all human suffer should

by the delay of the parties  
act for themselves the utmost effect of human laws is to  
make things better but not

Human Right is as far as the sense of laws reaches but to put every  
thing without exception in the proper place belongs only to a per-  
fected state In balancing convenience & inconveniences often  
much of human laws are able to prevent the greatest number  
of evils & to preserve the right of man as far as possible yet the  
law of many countries

is void until beyond the years of prescription or  
when may reasonably be presumed

ambiguity of right or the probability of causing  
greater evils to innocent parties who have acquired a right to  
them but although prescription  
the neglect of the claimant is no crime

will fall under the law of prescription but may be  
during the above time when defrauded by mercantile  
Law's indeed.

time in order to prevent vexations  
but which are often the offspring of private revenge or to  
punish culprits proceeding in their complicit evidence  
in the laws of Jura & Police there is almost a necessity  
of instituting a short term of prescription both in  
a concurrent  
vexation & mislaid obligation taxes that are long  
appear always to be forgotten which of course  
will

exist but a unfeeling & childish policy or rather want of  
policy often leads ignorant legislators to it to induce  
to make themselves popular by granting time for paying  
taxes that they have imposed which taxes others  
under a like necessity of rendering them pliable  
by uniting them altogether Property may be transfer-  
red either by conveyance or by common convention is indeed  
the most natural & usual way of conveying  
rights of property between cap. of debt or even they may  
disperse but conveyed by forfeiture

High Trafalgar is  
the chief name implying forfeiture though in England

a sentence of excommunication after a year & a day has  
the very same effect but

former a convention transferring  
property in a conveyance the commonly consists of two  
parts, contract & delivery Municipal Laws alone can  
make any difference between the mode of conveying  
movable or real property to party who has obtained

delivery may affect  
conveying the subject in the right of the former proprietor  
but not in her own when the law professes to commence  
only by delivery a right of property may be conveyed by sim-  
ple delivery without deed when it is only intended to be  
conveyed in trust or for the benefit of another such the right  
of shipmasters

to them which they may maintain  
against all others Executors & administrators constitut-  
ed by a will have likewise the same kind of right to  
the Testator's Estate

By the Law of Nature contract is the  
only thing required principally in a conveyance but deliver-  
ing may be made otherwise by municipal laws. Who  
regards a woman person to last willow only an effect  
of convention among the living through a person having

is worth consideration that he should make the  
time of his funeral entry to commence only at his own  
death

by his death which admitting that it terminates  
his right yet cannot militate against the conditional con-  
veyance that was made on his lifetime. This consideration  
does not too much on the

deceased cannot convey property he  
can't say they the party deceased having no right the subject  
falls to the gift unopposed but the customs of all nations  
are against this notion.

them

## Lecture 156 April the 6

The Roman Soldiers were allowed to make their wills  
when ever their was called Testamento

might make them by sign or mark in the sand after they had  
fallen in sleep upon the testimony

of it the opportunity was allowed to  
none others but the military persons even differed with in the  
case of ~~in a copy of~~ 28cavtly a while they were  
maintaining the rights

fair tract any of their own rights than to have been thereby lost. The  
privileges of the roman soldiers increased with

Journal who describe them as they were  
in the reign of Domitian & present them as greatly extensive &  
not a little exorbitant to other citizens. It used to be said that they  
could not be judged in case of crimes except by their own officers.

The immunities of the Roman Clergy from the civil autho-  
rity are only an exact copy of those of the Roman Soldiers in the  
service of the Emperor but the immunities of the subjects  
several began under the first Caesar who doubtless  
therefore gave them many new privileges & it appears  
to have been greatly well advanced even in the reign of Trajan  
as appears by the decree given to them by John the Baptist  
by St. "Do violence to no man ~~for~~ & no man shall do violence to you"

believe that the  
christians would have suffered less if they had  
offences to which they were  
subject from & which were most common among them in so far  
as does with regard to the publicans & the soldiers by means of their  
privileges known at last terrible to the Emperors as well as the  
citizens.

Laws among the Romans became exceedingly complicated & nu-  
merous on account of the practice of Forgers & legacy hunters which  
last was almost a regular profession as early as the time of August-

the <sup>2</sup> Moderates probably in imitation of the Roman have fallen into the same error with regard to their testamentary laws though the same practices are now far more uncommon than they were in those days. In <sup>the</sup> Colony of the Church of Rome & those of England

Causas de Thompson from an imitation of  
those Ch. Recds who used to have all their causes privately deliv'd by their own B. in order to  
have no to avoid the risk of be  
before the regular Tribunals. The last clause of the rights  
of man is the right of command it is acquied by con  
or for other the power of a man has over his wife which  
is the first right of it bind that he can acquiesce in the effect  
of the marriage con but his power over  
his children under age is in  
therefore as a consequence

of the matrimonial contract the Contract between master  
or servant immaterial is the foundation of the masters  
right to command as well as of the servants right to de  
mand his wages the time of the contract as far as  
parties mutually stipulate or as human usages establish  
when none other is agreed to  
Seventh thing of marriage

A man & the demand the nature of the power

the custom of the time regulates the hire of labor  
as a Norman Domanum that is to sayes appear'd to  
have been the

Servius The civil contract or convention betwixt the magis-  
trate & subject is likewise reciprocal obligation stipulated on  
the part of the magistrate & alleigance or subjection to  
the laws on the part of the subject & the terms can such as  
the parties stipulate in express charters or statutes or such as  
may be established by known customs

of antiquity are now

very generally applied even in arbitrary countries & a man  
hence appears to be verging to the contrary extreme of anarchy  
& licentiousness they bid me to be out of mind of the rights  
of others & the duties which they owe to society & to the laws  
simple manners extreme confidence & the last of great  
charact'rs first introduced arbitrary government which he-  
ing at length came to intolerable height producing

to enquire into their own natural rights the contrast be-  
tween the sovereign & the subject is of the last kind ex-  
cept one of certain circumstances to which a fixed meaning  
is annexed by custom Other a man by being born  
or by living in any regular society becomes ipso facto

for the protection which he enjoys among in the use  
of his natural rights. It would be strange in  
this world if any person should be free from the ob-  
ligation. The safety of a State requires that all persons  
residing in its territory even though they belong to another  
State should consider themselves not as enemies  
but

which they suppose. A man thumpishly residing in any  
State necessarily comes under the laws of that State. This  
wise he must imagine that he has a knowledge above  
others of being to nothing while others are bound  
to them but the law. That being thus he ought to  
use as equally kind on him  
the customs and the right. safely he  
must use as well to him as well as the  
others. The charters of states except the first of the se-  
curing a legislator to the last exception of those very  
people give them all the forms of a reciprocal contract.  
People commonly expect that great regard will be paid  
to their words as by then to not subjects lay hold on such  
of them as made for themselves in their declaration  
that an so often made by all foreigners of the law.

that they have for their people

The Social compact from which according to some writers the mutual duties of men are derived is a mere fiction in

by which a plea which arises from one person is sustained as arising from another. The social compact is but another word for the law of nature to which some authors have indeed given more solemnity by sup. It has been formally agreed to by every one entering in

Society is itself a fiction of the same kind because all men are born in some society & consequently have no choice whether they find themselves in it or not for of the terms

but all men being born under the same law of nature & the same moral laws must be under the same obligation not to do injury & to observe the rules of natural justice as if they had entered into a most solemn contract for that purpose than in the Norman Law the mutual fees of guardian & reward which arise from equity were esteemed as arising from contract though there need not in reality any contract exist to the establishment of Society custom charters

of Statutes  
tions of men are all posterior to the establishment of  
society some think that through fiction of law may  
be convenient & in some degree necessary in arrang-  
ing civil actions they are of no use in explaining the  
law of nature for by the law of nature every obligation  
is admitted only when it is real & can receive no  
conformation from any fiction whatsoever In the opinion  
of those who consider the original rights of men founded in their  
nature & the rights of every person to defend himself as  
so far from gaining from his being subject to a supposed  
convention that they are actually weakened by it  
In the controversy in England about 100 years ago on  
occasion of the last resolution this question was hotly  
handled on both sides but it was then in a great  
measure in view & almost all the  
were in the side of absolute monarchy except those  
who wrote in opposition on this occasion the one side  
called for the production of the original social con-  
tract

unable to produce it but the magna charta of En-  
gland was of great use to them on this occasion &  
the Bill of rights established at the revolution -

Priore as well as the other Branches of the Legy  
The right to command in  
a state ought to be denied to the person who is in posses-  
sion of it from the consent of the people on one part & their  
fuller acknowledgement

of the civil laws of the state on the other  
whence coronation oaths have always been in use in mo-  
narchical countries & the author of earthly happiness among  
the people whether they will have such a one for their  
King is most

necessary to constitute the rights & authority  
of magistrate the law of nature which defines the ori-  
ginal rights of men must however be conceived as  
standing upon all without any

that a country have given the right of  
command or supreme magistracy over themselves to a  
single person & his heirs as most of them have done  
without any

Priore so chosen must forever be under an obligati-  
on to respect & enforce the natural rights of men &  
to administer justice faithfully though he never came

Governments who have received from the people the  
right of command ought to exercise it according to  
the laws not merely because it is their right but be-  
cause the interest of society requires that a just & fair  
and upright exercise of it. In this country when government  
is almost entirely now a commonly very ill understood  
it has been generally understood on the other hand that  
magistrate deserved commendation

This fact notice many will  
have already upon the laws have become a mere gift  
at the command of the representatives of the people to impose  
taxes has been publicly asserted by those who

taxes have been  
imposed that have never been submitted to voting the  
Electors of those representatives who imposed them. It can be  
no wonder therefore that our debtors are unfeared & that

opportunities to subdue us when the laws have lost all  
force & our boasted union is become a mere rope offend

In England  
activity proving that he acts always according to law

in proportion as he approaches to the nature of a broom  
stick but no law or government can be of any use to y<sup>e</sup>  
people while they are not exempted from the want of revenue  
may be felt when it is too late when our allies demand  
payment in a disagreeable manner

calculated only for present convenience  
and without the least consideration of futurity that tho<sup>s</sup> who  
have the administration of the laws are entirely subject to the  
public if they have thus power only by not acting

or magistrates altogether. The  
right of command in the magistrate whether it be derived  
arising from the fiction of the social compact or from original  
charter & statute or established customs in the former the  
former is all federal that magistrates the execution of the  
laws is committed to them by the constitution in their  
Journals & subordinations But the allegiance  
a subject of the Republic is not more binding upon  
them whether exacted by oath

is binding on the other  
the contract is reciprocal & when one of the parties  
neglects the performance of it on his part he has no  
right to exact performance  
of England allegiance & protection

the first The subject cannot be prohibited in the enjoyment  
of his rights in any other manner than by the due execu-  
tion of the laws which are the great security of the rights  
property of the subject otherwise violation or usurpation  
the magistrate.

private persons the public revenue  
is the sum of defences payable & if that is de-  
frauded either by

of the magistrate the latter is as much  
to blame as the commander of a fort would be who would  
allow that place that was committed to him by the  
state to be taken for want of ammunition &

The obligation to

act & execute the laws is equally incumbent on all  
of them & will be felt a just when they happen to  
be capable of being wrong or have any kind of honor ex-  
cept the execution of the laws in a well governed state  
ought to be like a machine that will infallibly  
make the magistrate put in motion & make  
every man in the state inclined to act in work-  
ing

The law is as great as if a man were to cut off his

own right hand with his left one as every obstruction  
of every man's  
rights the magistrate says bears no affreighting law &  
the law or a dumb magistrate but if the magistrate  
happens to be a dumb in the law he is really worse than  
useless

employed to prevent every abuse of power by throwing  
numerous checks & stops in the way of the magis-  
trate acting but alas they are not aware that there  
is an extreme on the one hand as well as on

of a Cattenture @ that

while they relax all the nerves of authority & provide  
with an apt & imitative humor an infinite  
number of tricks.

of destruction by the action of all its vital mo-  
tions." *"Sunt vita flabillent vita in contraria current"*  
A vulgar genus can only  
namely <sup>flavus</sup> & consequently redulous.

namely slavery & consequently reduces  
a society completely full of its liberty is only found  
but true wisdom teaches us to look both backward

& forwards to the right hand on the left and to  
guard against anarchy & tumult more than against  
the lawless abuse of power.

Lecture

150<sup>th</sup> April this<sup>rd</sup> 1789.

The power of a husband a father a master  
or a magistrate comprehend all the force of the right to  
command. The grand prohibitory law of nature which forbids  
all injury ought to be considered as binding on magistrates  
as the social compact if such a contract had existed before  
the establishment of society. A government is intended for  
the benefit of society and for the single endowment of the  
magistrate though he is bound to act  
of his action.

We have  
done no evil or indeed a guilty addition for a magistrate  
who has already done his duty but it is only the property  
of a law to do nothing at all for fear of doing hurt the  
further of the social compact appears to have been con-  
cluded for the instruction of such ignorant minds who  
wants the capac<sup>s</sup> to comprehend the guilt of taking away  
men's rights by having their injury inflicted to them  
as the Breach of a contract shall mankind ought to

abstain from using of any kind or from breach of faith  
as the obligation to abstain from breach of faith naturally  
comprehended in the more general obligation to abstain  
from harm of any kind A right to command or some  
times acquit by parties when a person who has done  
a wrong is obliged to repair his injury. The Right of  
a judge or magistrate to act in any particular case  
against the class of wrong or accused only by the party  
of prosecution on the part of the criminal but this right  
ceases whenever the law is satisfied. In the state of nature  
every person has a right acquired

to make reparation or by  
committing the injury his rights are forfeited with respect  
to himself & acquired to the injured party so far as  
extends but no contract or settlement  
can deprive a man of all his rights or render him incapable  
of redress.

for reparation & if the injury cannot be repaired otherwise the  
criminal may forfeit his liberty for life we have seen already  
that all the right which a man has in his own person is only  
an usurpable right & that of a tenant at will but if  
it does not include a power of alienation for the mind &

unalienable property which he alone has a right to dis-  
pose of no man therefore is born a slave because every man  
is born at all has natural rights now if no man has  
a right to dispose of himself a fortiori he can far less  
have a right to dispose of any others even the right of man  
which Parents have over their children is only temporary  
as intended for the benefit of the children themselves & not  
merely for that of the Parents The Master law therefore which  
allowed Parents to sell their children & several times was  
a triple transgression of the law of nature & arising entirely  
from their misaking the parental right of command for a right  
of property & so that the property of

the master & the slave ch. property cannot even be legal  
ized by the consent of the slave himself as he has no right  
to dispose of himself according "nemo dat quod non habet"  
he cannot transfer such a right to another person & the ge-  
neration on the part of

against all right But this we have treated sufficiently  
in economics The public duty of property

Magistrate a public function on all  
parties. The <sup>of the subject is the fidelity obser-</sup>  
ving & fulfilling in which he owes to the magistrate in

the defense &  
from the magistrate & the ready & effectual interposition of  
power to enforce the law & to secure the subject or the govern-  
ment of all the rights. The publick agent lies from every mem-  
ber of any community to that community in plenifight a  
faithfull discharge of any office with which a man is invested  
for the publick good with a continual conscience of publick safe-  
ty, publick honor & publick good & signal interests & partic-  
ular considerations. The rest of them belong, properly to men  
in office.

whom all others  
ought to assist in the discharge of their office as far as possi-  
ble because the most active & faithful magistrate of his place  
to do with a just & equal course to order & endeavor to justice will  
find it difficult & indeed impossible to execute the laws or  
to protect the publick without the active & constant support  
of all good citizens. The 2<sup>d</sup> being indifferent to every mem-  
ber of the society or necessary not only for the assistance of the  
magistrate but for the preservation of the peace safety & well  
being of the state. Every man either has or may have it in  
his power to benefit the state & his good will to do so or no  
service of its interest may be of signal service on many  
occasions if the magistrate is suppos'd to be the only person  
for that has any interest in supporting the laws

has only a ~~libel~~<sup>obligation</sup> than of publick point they will not  
only occasionally assist the magistrate but at all  
times be ready to inform him of matters that demand  
his interposition. If a magistrate

he can be of very lit-

le service to the community to inform the magis-  
trate of only of the injuries done to ourselves or a selfish  
or narrow point

publick point. A very wrong way of thinking  
onwards for the most part on this subject which tends to  
the discrediting of all government whatsoever. The charac-  
ter & business of an informer is notorious & odious morally  
because it is so in bad government that many men who  
think themselves disgraced by performing this kind of service  
to the publick but certainly that service cannot be infamous  
which is absolutely necessary for the being of government  
for if crimes were not discovered they certainly could  
never be punished. The first error on this subject which  
generally prevails arises from a false notion of honor  
which is set up on direct opposition to justice even  
in the case of others gainst us & subjects  
to the state appears to

curson that is an enemy to the state  
by not informing against him now because in respect to  
lawful matter Honorable Party Mr. Obagi & infamous  
to betray therefor more judiciously concluded that  
it is dishonorable in every case to inform the publick of any  
thing that has malignant intent to hurt said but this  
opinion can have no foundation in truth

many seem to think them; but the laws must be nece-  
ssarily conjunct & dishonorable of every man the freedom to the one  
man is supposed to be engag'd in a tacit compact against  
them & is to be reckoned base & dishonorable when the takes  
the part of law & publick ordinance

ourselves as very rational  
citizen will readily acknowledge it must be equally honor-  
able to give no support by every lawful means in our power  
nay in some cases those very people judge on this man-  
ner who are guilty of betraying the publick in this instan-  
ce for fear of acting dishonorably to ignorant persons  
no man for infamy would return it dishonorable to  
give

may he would reckons criminal to neglect the duty  
of information with regard to such things as the first but

information through the friends of the very same nation  
with the others & the public equally interested.  
Those who write against a republican government generally  
for want of that

public spirit which that form of government requires in  
the whole of the community & which it so rarely is found  
among mankind. There have indeed been many occa-  
sions among us which have rendered the arguments  
of this people very feeble particularly our many  
unexpected laws unsatisfied obligations & unpaid taxes  
as well as debts due on the greatest failure in our  
constitution that our enemies could contrive & exhort  
us to the just despise of foreigners as well as they can  
cause to many of our own citizens to say that a  
corrupt people necessarily requires an arbitrary go-  
vernment not having enough or public spirit to con-  
cern governing themselves which is indeed very true

as that a free government cannot be supported which  
a very little time now will dissolve. Having considered

allows us to consider the defenses of man on the  
same manner because they two make up the whole  
of presumption by the law of defense a person may main-  
tain his right

"Nor by any means that are necessary for this  
purpose the law of defense is a necessary consequent of the  
law of self preservation or of it is the intention of nature  
that we should preserve our own lives ought it fol-  
low by a party of reason that we ought to countervail  
all fraud & to repel all force that is used to degrada-  
ce of them "Est enim hec non simile quod nata lex geram  
non auxiliari deducimus licet ne sit

anumptrum haudimur expellimus "The  
state of nature from which we derive many argu-  
ments illustrations in natural prudence & civil  
policy is not a mere fiction of the law

continually exists under all  
forms of government & confederacy all that vast multi-  
tude of cases where civil authority cannot interfere  
& whereby all sovereign power & states at all times  
whatsoever In case of sudden

as often as we cannot use the defences of  
society the state of nature returns & natural defences  
are the only ones that can be applied Even Dulles tho'  
commonly little given to thinking on possible that there  
are circumstances in which we must use our natural  
rights of defence the aid of the Magistrate being ter-  
rible & at a distance but they would mistake

of distinction & public  
punishment & such can be ground & supported by wisdom  
indeed the laws concerning scandals are  
nearly all the same in all nations because they uniformly  
ground on the opposition

between truth & falsehood The law of  
England has adopted the point of the Roman law on this  
head It is not long since Lord Mansfield did land from  
the Bench that the truth

might even be conceded to an an-  
The Roman laws de libellis famosis were form-  
ed in the decline of the Empire with a view to protect the  
weaknesses & to silence the vicious

character so that these laws  
became a terrible engine of oppression as they restrained by  
heavy penalties the liberty of men or an infamy in

in giving their judgment of persons a character now  
all the law of Europe are much more clearly defined  
upon this point than upon any other

The Romans allow though wrong  
under an arbitrary government venturous to just on the  
law of famosus libellis

" Si male quis

" Iudicari quae sit si quis mala sed bona

" Iudicem considerat lauditer Celsus

"

As in the inf. of our dism. we are often in a state of na-  
ture nature must therefore be our guide as to the  
means

to repel wrongs that are already offend but also to  
counteract & prevent those that are designed against  
us It would be folly to wait till the wrong is actually  
done because

from war maturing any deform at all but to  
consider how it is possible for us in consistency with our  
duty to prevent others from injuring us It is the  
part of wisdom to moderate the principle of suspicion

desire with-

out troubling every one as an enemy. It belongs then  
unto us to choose the most easy mean of defense  
so as neither to lose the enjoyment of life by indul-  
ging a suspicious temper nor by a foolish confidence  
to expose ourselves to the artifices of those who may  
have a design to injure us. Then is a maxim we  
may be confident abominable with regard to friends.  
Thus what

of life. "Ama bene, non male  
"Ama tranquillam

"Et

It may certainly be confidit as safe to moderate other  
confidence &  
Suspicious young men for want of resolution & requiring  
some with the world are commonly prone to both these ex-  
tremes for they either plan an unbounded confidence in their  
whom they think their friends or they plot the contra-  
ry

enmity now both these are wrong because it often happens  
that those who profess friendship to us either mean no  
thing at all by it or are not fit to be trusted & that

those whom we suspect to be our enemies  
or judicious

we may  
trust ourselves to repel at a moment when not  
the choice of the means that we are to employ for  
with care of an attack all mean of defense on our  
power which are necessary & sufficient may be used even  
the taking away the life of the assailant though a  
sense of humanity a duty will not suffer to such  
this extremity when it can be properly avoided

Hope of others even

when guilty of actual injury if we can avoid it at  
the same time we may defend our property to extremity  
though a small property ought not to be defended at  
the expense even of a guilty man less. The good nature  
of the English nation has once shown great audacity  
most have  
plundered with their property rather than destroy a criminal  
and has tended greatly to multiply the number of  
robbers in that country of late matters are somewhat  
mended so people begin to defend themselves which may  
heads -

Persuasion artificer a force. If the person who de-  
signs to engage in or not so far less to engage in  
the imperfekte of argument. Persuasion justly  
employed is that mean of desire which an ingenu-  
ous mind would most applaud. Still on reflection  
be used in the  
use of which it is impossible to lay down general rules  
only such artifice may be used as are consistent  
with the character of a person of virtue & honor.  
Also see South Prinamer in the art of the proff-  
sor in writing

of his life is not in danger  
but will rather shew to have enough to live when  
it can be employed with any probability of success  
There is something dubious in the use of artifice  
which a liberal mind will view with suspicion  
will therefore rather venture upon in the use  
of force than go any great lengths in that way when  
force comes to be employed though an aim to extremi-  
ty a vigorous exertion become necessary. The law of  
defence however does not authorise the use of any

for this reason the use of language

was as doing  
unecessary harm without any force to the party  
who used them but when they are once begun to  
be used on one side the two telomes immediately an-  
chor for the use of them against that party who set  
the example in order to make them weary of the  
measure or to give them a taste

This purpose is an injury There may indeed before  
explosion to the general rule for when there is han-  
gard of the injury being repeated or when we have a  
rational apprehension that the injurious person may  
do us still more harm

cautious or may  
disable him from taking such a course with impunity this  
a Member or an officer may not only be repelled but  
disarmed & bound & delivered over to justice for the  
punishment of their unsuccessful attempt even though  
they may be unneccesary for themselves at the time we  
certainly owe to the publick to the rights of others

to speak on the law of defense. author for us not only to defend our own rights but those of others also when they are attacked. If of the guilty ought least of all to be left out of the account as the public comprehend all our private concern. & all that is naturally dear to a wife & good man at the same time the injurious party has no right to complain because they having recourse to force of it a <sup>he has committed himself to</sup> must <sup>force</sup> blame himself for all the consequences whatever they may be.

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The law of defense may be applied to persons in 2<sup>d</sup> diff<sup>t</sup>. cases 1<sup>st</sup> that of single parties supposed to be wholly that of fellow citizens - wholly that of Subjects. Perhaps it is wished to take notice in this place that under the head of Corporation which is mentioned as men legal corporate bodies create certain friendly negotiation with respect to sovereign State are not partly included the case of single defense is commonly treated of under the state of nature. In this state every man is supposed to be quite unconnected with all other men. The kind of abstraction seems proper to illustrate the ground on which they defend themselves because every man when attacked separately is in the same situation with respect to the world really unconnected it

all men or any other were as other men in the world except him  
like his antagonist who called for help in a desert place this is  
an appeal to the feelings of society & a sort of protest that what  
violence he might be obliged to employ is ~~unlawful~~ against his will  
& that he would rather choose to risk his right to the safety of  
others now what may happen to a man in a world where a  
desert was likely to happen to him in a populous city in the  
midst of a great crowd of persons whom he only

are equally unknown In such a case the Highlanders if they  
had any regard to justice will interfere to redress the injury offer-  
ed & to protect innocent others in a man must do for himself as  
well as he can The English Mob have an odd conceit that a man  
should always stand triumphantly without having recourse to others  
& therefore when they see two persons quarrelling who are unknown  
to them instead of inquiring into the grounds of

fair play & to ascertain  
from witnesses in favor of any party & thus the parties the affair  
last to unless the defendant happens to have  
strength enough of his own to protect him the grounding is as  
small as it appears to be unfeathered all obfuscation between  
the innocent & the guilty is total

in context as if the attack had happened in the  
midst of a company of wild beasts rather than of men a less-  
~~mane~~  
of violence & will endeavor to distinguish between the inno-  
cent & the guilty instead of making a point of the accident

their opinion In this case every man ought to consider himself as a juryman solemnly bound to do justice to repel from a condemnation. In guilty a man ought to carry this idea habitually through the whole of his life for a juryman is only sworn in order to make him recollect this idea that he ought always to have to those obligations which he is under at all times It may be said indeed it is absurd to call that the state of nature is that men are not naturally disposed & in which they might evidently never were known yet there are many situations in which nation places us & in which we must feel an absolute unconnectedness with all men & can have no benefit whatever from the defense of jointly of a person we may defend ourselves in the same manner but if he attack us in the way of force

are thus irreconcileable in  
pertinent among Duckliff the person who challenged has  
the choice of the weapon but in all other attacks the assailant

his own way as well as he can. The state of nature however is not only a supposition under which certain applications of the laws of nature may be abstractly considered but a true representation of the situation of men when they are free

the agency & protection of Society perhaps  
it might have.

to suppose any two or more parties unconnected with  
each other though not  
but in case where natural defense is necessary the party to which  
such party belonging is at a distance out of the garrison in the  
same manner as when Paris & Moncalm were fighting in the  
field the whole of the G. & Trojan armor would only protect  
those that are in

but having no convention can have none of these rights  
& none of these obligations which arise from convention alone  
of any such party therefore should commit an injury against one  
of the injured party would be entitled to his defense now in this  
case it is in vain to offer the most open & evident  
all inferior to judges <sup>in</sup> contented excluded by the <sup>process</sup> <sup>of</sup> <sup>the</sup> <sup>law</sup> <sup>of</sup> <sup>the</sup> <sup>country</sup>  
carpenter have failed and are not likely to succeed they may  
employ some body else  
It only in defense of these rights the D. cast to which the law of  
defence may be applied is that of fellow citizen who are connected by  
and a political convention on which are founded a variety of ad.  
ventures, obligations & rights these parties therefore being sub-  
ject to the same laws have an opportunity of deciding their differ-  
ences by the Courts which have jurisdiction over both  
Society & the <sup>country</sup> <sup>of</sup> the <sup>defender</sup>  
but were a good & a bad form of government or whether a

almost wholly in their gift or unfitness for pursuing the  
rights of men & dividing their differences according to the  
rules of natural just & Civil Disputes at law are  
arising from the imper-  
fection of men & their disposition to intrude upon the rights  
of each other a just & honest course of law is one of the  
chief & peculiar advantages of a good government tho'  
most governments indeed are far enough from perfection  
on this subject

want of Integrity & capacity in the judges  
& juries & partly to the incapacity of the Legislators & the  
people in general who are incapable to comprehend what  
is the use of a good government Hence Disputes at law are  
continuall  
for wearing out the patience or exhausting the property of  
Clergymen rather a certain judge in France <sup>whose</sup> reputation  
from war  
one affid by a young magistrate was he proceeded in his  
Business to a. the other side general satisfaction the Judge  
replied  
let me throw a pair of dice first for th.  
cided in favor of the party who had the best of <sup>o that</sup> always di-

appalled to another famous judge forth. Same purpose  
my mother says the latter or this I would mind what the law  
here say on either side but I take home all the papers with  
me and fit were to peruse them with attention.

each party

against the other & I uniformly give sometimes a-  
gainst that party that produces the greatest weight of papers  
but such methods as this of dividing controversial may be  
said to be more impartial than juries. The artificial  
or indirect manner in which cause may be made before judg-  
ment. The most exact attention in this part is required  
with unusual diligence to discover justice under all the disgui-  
se that may be thrown upon it by exhortation

Side Yellow & Green have  
already stipulated to refer their differences to the judgment  
of courts & to employ

of the magistrate Norpra cause to the  
decision of the courts argue a confidence which the party has  
of its being a just one or at least an opinion that he is  
able to persuade the Court that it is so & that it may argue  
a litigious temper to be frequently at law

may sometimes find himself  
in a situation in which he is obliged to act in this manner

In time of Antiquity & simplicity of manners The method of  
Atribution was generally chosen & they used

with such strangers  
when they supposed a suspicion. Then Virgilius, Quintil. Horatius,  
& Damatus as agreeing to take their differences in this manner  
to Palmeron "Vindicta"

Palmer.

Following students are obliged to  
submit their differences to the court of the state admiral of the two  
following exception first where the judgment of court cannot  
be had and the room of the magistrate interposed to prevent the  
injury. & 2<sup>d</sup> When the relief by civil suit cannot be adequate to  
the injury apprehend

cannot be questioned for a moment by any  
one who is in the least acquainted with the usage of our law.  
Indeed the far

such a bind that our naturals and rights rest merely  
on natural common laws or the

substantiated by evidence & by  
far the greatest number of injuries & even those of the most hu-  
man nature and hap unprovided if immunitia had nothing  
so odious except the superior laws but the fear of the imme-  
diate execution of natural justice & of the effects of great repre-  
sentation is a much stronger restraint of the criminal than

formality of the  
law. It is a common delusion to imagine that the terror of the

clear alone

wholly infamy for that purpose & no party can exist without it but the sherry that other are commonly break  
and have so far confidit by vulgar minds & at a great  
distance so that they are almost as much disregarded

criminals  
who may be capable of refutation. It is to be hoped that even  
the terrors of the law may become more operated when they  
are daily exposed to the eyes of the multitude.

a meeting with  
such immediate punishment from private revenge as they  
can neither foresee nor escape. The magistrate also being E.G.  
or not so much afraid of being known as injured as of being  
inflicted & the persons who break a law  
of that execution as left the  
they should be put to immediate attend

injury who  
have the first natural though they certainly  
have as good a right as any other to the protection of the  
law

magistrate the natural distinction of men wherein  
are always their chief artifices in civil society & they prove  
especially more impudent than the obstinate &  
uncertain terrors of the law of which there are so many  
chances of escape of the N. Edg. Observe there are  
world

in proportion to the injury  
done or apprehended. The far greatest part of the truths are  
incapable of legal proof & the greatest

escape the notice of  
men in all their caps the law can either afford no protection

The amount is in a null of instance the most  
guilty may elude it's power but the private immediate  
natural defense of men the effect of their feelings are  
what criminals have much more to dread than a trial  
sentence & execution. It is true that it will be contrary  
to strict law for men

our injury but it is not to be excepted  
that men will neglect the laws at a time when they  
can be of no use to them in the defense of their right

recent provocation  
It is happy however that criminals have always the  
most dread of the natural defense of men for if they had  
nothing but the law to dread we have seen that in many

good moral an  
a much greater defense to a state than even the very best  
laws protecting them though to be faithfully executed  
ignorant

the laws because they foolishly imagine if  
they are able by themselves to enforce the peace of society

who look  
upon a  
man's character & to things will easily be convinced that  
even good laws however necessary & safe cannot  
protect them

from injuries but that courage & union & the natural  
disposition of men to gather with good morals contribute in  
probably more to that purpose than even the best legal  
system & the most upright administration. It is to be feared  
that the moderate & blunt admirators

regard which they

pay to liberty may except this

rescue of some dreadful internal  
commotion of religion

I have been hitherto mutual affection  
& confidence & regard to the right of others are the great  
bonds of human society & without these we find that our  
Militia laws prove only a brand of

Country Public spirit to the re-  
sult of infidelity of a good heart & singular morals  
but of men are doing nothing.

It is natural to suppose that in a  
short time they will be persuaded that this cannot  
be done except at the expense of others so that the love  
of liberty by a most natural transition degenerates  
into tyranny & robbery or the study of the evil laws.

of fulfilling the infidelity of the  
rights of others.

has a mighty tendency to make us forget that  
any thing we do to others as well as to make us lose mutual  
respect & to be uneasy under the infractions of law & equity. Truly  
man bound to duty according to law & justice. It is a con-  
siderable task indeed or the judges of England & this  
Country

comes the verdict of a jury of 12 men is necessary to sup-  
port these sentences. But this is only a desire of the Ambi-  
guous hand & the good or harm to be expected from it depends on  
entirely on the morals of the people for when men are come gene-  
rally to despise oaths & to have no shame of

A Bulwark to our libe-  
lous property may be ban on gone to destroy & annihilate  
both all the reliance that the constitution has upon the  
intervention of juriesmen & entirely founded on the proflamation  
of their being good men. Both of legal documents. But if  
they should escape to be & come to glory in doing  
what they pleased the & of the laws will become  
to be very pernicious & facit, even though all the judges

be now on account of the want of Capacity or juriesmen  
even when their integrity supposed to be irreproach-  
able. Intreat & complex arguments & rights  
judges & men

who have made the law their study are not worth flattery  
and daily we see men who can learn to speak  
so well as to be capable of understanding  $\frac{1}{2}$  the part - &c.

Evidently  
guilt & innocence are distinguished then often occurs such  
intensity as an apple puzzle the most acute men  
know the decision of cases of this kind

describing  
the papers in the reader which we mentioned a little  
before - - - - -

Lillell

arbitration or supreme  
has been of great use for the decision of controversies in some countries  
as may be in all instances

This method will not be suited  
to facts where almost the whole property of the people  
man's obligation must be frequent & consequently often incurred not only  
by expense but the anxiety & alienation of affection  
than <sup>of society</sup> <sup>Mr. no less surprising</sup> that of the most <sup>of the</sup> the monarch of the  
greatest power meant the late King of Prussia

It is true that these absolute power enabled them to do the worth  
more cap

duration of suits into

has ground many advantages to the inhabitants of the continent to which free nations are entire strangers. The price of land in England is immensely high wherever in the country when liberty has been

beyond definition. By adopting the law of Eng  
e adding liberty to them by our legislation the right & property of men must become daily more & more perfected much indeed increased from the written property of the preceding generation & much

of the subjects & acting members of the state & of its subjects are entitled to enough & to none less sufficient & punishment or where they are denied by the law & violated & concerned. It is melancholy to reflect that after all that has been said & wrote for liberty & a free constitution the best triumphs to be expected from it are only suspended on the virtue & understanding of those who administer them & free constitutions & charters & theory & sum capable of producing great happiness & liberty. But when that constitution & government is managed by ignorant & vicious or indolent men who either want ability or are restrained from acting by cowardice a free constitution in that case yields no advantage at all to society & contributes as little to its progre  
ss as Gibon golden Tongue. what all men were compelled to worship

have only as much life & energy as the magistrates rule over them & it is utterly impossible that they should have

any man unless

filling further ceremony & praying that they  
may be governed by the law of nature where there is no convention  
to the contrary limits the power of the magistrate to what is ne-  
cessary to defend the innocent & restrain & punish offenders employed  
beyond these limits an unlawful magistrate being instituted for  
the safety of a nation & the protection of the rights of man Every act of a mag- that is not necessary for  
these ends must be of the nature of an injury & a trans-  
gression of his commission In arbitrary & despotic the authority  
of the 1st may be easily converted to serve the pur-  
pose of private interest or wrong because a powerful magistrate  
at least will enable any man to set almost all the laws at defiance & as of a free people is that it allows  
no discretionary power to the magistrate except that of a final  
decision of idling or not acting but has an <sup>of his choice</sup> to act  
an entirely law adder by the laws the laws of concur-  
tion are various in different states. In some it permits  
any act upon the unchristian spirit & to  
act the despotic power of the magistrate but where either  
the law liberates or protects of men are left at the discre-  
tion of the magistrate that discretion cannot be a  
one

obtained confines a man for life from daylight liberty friends  
famly & correspondence as they are deprived of the use of pen  
ink & paper & the magistrate grants these against any  
person who has & excommunicate them without any trial or exami-

nation so that they ~~can~~ can have the  
opp<sup>rt</sup> of complaining of it as small property in a free  
country is infinitely more to be valued than the most splendid  
for where it may be lost or a man by a false re  
or by <sup>of additnt</sup> relation of a member of a minister of state when mankind  
have once given up their liberties though their natural rights  
will remain they generally lose all courage & an easily hum  
bled & placed in low as thus despot has a mind to make  
gates Truth lay hidden nor allowed another soul where the  
whole of the Oppression the laws & the magistrates have despatched  
all powers mankind know not to disappear & never can be ar  
gued in favor of that slavery which debases their nature while it  
deigns them of every comfort & security such powers as these tho'  
originally created become gained by custom & usage of time  
& an ever despised by those who like that are exposed to them every  
moment but while the friends can intoxicate their imaginations  
with the glory

laws may be accepted & brought to justice but when they at autho  
rity sanctifies apparently & despise equally all the chance that man  
kind have for happiness to live in poverty apparently & insigni  
ficancy as there is no safety except in this & in the godly crea  
ture of their Tyrant Mr. Hastings of arbitrary governments  
is enough to make any one in love with liberty we wish that  
we could say the same thing of the subjects of free nation

" Edictus littere vero

" Sive sententiis factis nonne velicte velit

The Right of subjects are in danger when the magistrate  
the proceedings are irregular & ar-  
The people of power has often been ob-  
to be hurtful to the morals of men by inf. thus vanity &  
they please as  
well as to dispossess men of an inferior power nowise to pre-  
vent this the states have always endeavoured to already & de-  
termine the term of the continuance of magistrates in office  
that they might not think too highly of their greatness nor  
be ready to abuse their authority

for the duration of power in the  
same person most countries have gone into extremes  
on this score the Normans made their consuls annual  
concerned to guard against tyranny by having always  
two persons at once with supreme executive authority who  
divided their government they did so they thought that

on power by  
limiting it to the space of a year after which they fell into the rank  
of private citizens & were obliged to give an account of their adminis-  
tration of their integrity since called in question certain orders  
fell their annual

contained commonly the richest wrights & most  
accomplished men in the republick whose education & views led them  
to aspire themselves for these high offices by the lower ones of  
which a greater advantage commonly led to them or by being unconquerable

the army & as the auxiliaries were almost numerous they had always an opportunity of gratifying their zeal & courage in the cause of their country whence they returned home they found also at the wars for which however they had been trained

any other reward than theirosten for whom they stood candidates for any of the dignities of the republic but when they deplored any celebrated citizen such as as a consul or a praetor accused of maladministration it may indeed be supposed that they would confideable rewards as were likely that in the latter more corrupt times of the auxiliaries

who rolled the first year for himself the next for his lawyer & the 3<sup>d</sup> for his judge but when such a multitude of men to find that their own property failed it was known indeed before the plebeians were made capable of the consuls being even for a considerable time after that knowledge was

their power still held only patricians with that office when plebeians were admitted it was the custom of those characters & the sum of their virtue that procured them votes & sometimes they would prevail against the large sum of gifts of an opulent Cesar was first who grounded the term of command to be prolonged beyond the time prescribed by the laws & from that time the honor & influence of the

down to the fall of the Empire It is to be observed that it  
was by flattering the people, bribing the Tribunes & giving them  
silver

that  
Caesar overthrew the liberty of his Country His followers  
were the chiefs of those times who carried liberty to an ex-  
treme & placed all power in the people Pompey Brutus & Cato

or  
of the Senate

& confining the duration of their power would be a very good  
one but the misfortune is that men however much they are in-  
dined to be best of them selves are very unequally qualified for  
offices of any kind & the most of those who try that now  
are most agreeable to the people are generally unfit for any office  
whatever though all are in this power. These therefore that  
in order to avoid an abuse of power  
by a too long continuance in office run an evident risque of  
openly in office who are fit for nothing & know  
nothing of the duties belonging to it. The constitution of  
the states <sup>the service of a major</sup> jointure though the people are willing to oblige him

By this means we are always sure to have changes among but such  
depend entirely upon  
accident a notion indeed

proper in order to have always a sufficient  
stock of good & well qualified statesmen on hand as if they were  
intended for regulation or any of a whole army of them were  
useful to be employed at once. We desire no doubt that a  
number of men should always

to discharge the great  
affairs of the state with propriety but the method which the constitutive  
body proposes for their education is rather extraordinary & the time  
spent in sojourning though they are to learn their profession at the  
ex-

at the expense of those whom it might  
concern by making experiments & by one project for their  
own improvement in their business that at the end of their  
3 years apprenticeship they may be qualified

of quite experienced  
statesmen but what becomes of the state in the mean time  
which has been fixed roundly exhausted by  
the efforts of these ignorant ignories for 3 years

found up off shore  
only one way is enquired & that is by being again delivered  
up for an equal term of time to a master of apprentices  
as ignorant as the former & equally regard to improve

thus shall at the examp<sup>t</sup> of the publice, & on which the state  
last, none of men have to act in a ridiculous manner w<sup>t</sup>  
regard to any of the common concours of life they now

conduct<sup>t</sup>.  
affair a man to guarantee to enforce the rights of  
men & to strengthen <sup>to condone before some</sup> law for the public good was much a profision as the  
Science of Law shippe or mechanics or manufacturers of  
any kind & to suppose that every man is equally qua-  
lified for it is supposing what is not the fact

men among those  
who have studied for a great part of their lives to qualify  
themselves for these professions what could be expected from  
them only byракing & making experiments accord-  
ing to their fancy nothing surely could follow from a method  
of their hand except an equality of ignorance vanity &  
inequality & an equality of misery in all those who had  
any thing to do with them

their country  
by good education virtuous living the love & practice of  
justice & diligent private study of the laws & history of  
arbitrary & tyrannical nations & not merely by becoming Bank-  
rupts  
promising impossibilities a new country has certainly  
great need of being well provided with good physicians  
& lawyers mechanics

of a law ordering that no one should employ any  
lawyer or mechanician or husband man for more  
than 3 years at the longest

so that for their Lawyer & mechanicians  
mechanicians who had no greater knowledge of these  
arts to form an apprenticeship by practising for 3 years  
in order to their own improvement

Lawyers & mechanicians & Husbandmen exactly equally to  
each other in the knowledge of their respective professions

but the fundamental error in  
this business is that of turning our whole attention to forms  
without examining & tracing no regard whatever to  
the characters of men

oughter life of the characters of all  
men be supposed to be equal either in knowledge ignorance  
either even than all the institutions & others that are  
founded on the notion must necessarily be erroneous  
& because men naturally differ very much from  
each other both

to their differences must be just & un-  
justable to human nature now insipulations upon  
government men are very apt to run into one or  
other of these extremes they either suppose that virtue

may be elected to represent or serve his country  
without any other qualification than that of being elect  
ed or else to set up a monarch vested with infallible  
authority & his commission or supposed to qualify the  
person that claims it for every office in government & to  
give him liberty to do what he pleases supposing that  
reason now when the happiness of government is di-<sup>in the plain</sup>  
vided nation wide such a majority that they people must  
not enquire how

obvious that every man knows  
as much of it as another it is equally mistake in  
both cases. It is a fact however on government that  
many of them seem to have been very little acquainted  
with human nature & allowed no r-

Formerly schemes & constitutions of government  
but supposed that there were no principles in  
human nature except avarice & ambition & then  
for this which brought to an employ'd

or an dividing  
power into such portions that every one may have  
a chance for a little of it some time or other but  
they leave no room in these schemes for interests

attachment debottled & free

apt to elect men representative mainly because they are  
averse to raise any of the public revenue or though they  
promised to oppose even the levying of what is imposed  
already in a light degree of infamy of those

Janeo Pascas physician

said to that governor

I integrity the man who ought to be  
chosen to represent or serve his country is one who is both  
able to discern what is good for him & to pursue it with  
out being turned aside by personal & party interest —  
a trader in Certificates will consent only to such laws  
by which he & his friends might come into the possession  
of as many of them as may be & may have to account  
for their money at the expense of the state but a citizen  
who truly worthwile to the public

state to do justice to its  
real benefactors & to neglect & disappoint the claims  
of publicans & imaginary creditors —

Lecture 151

when a legislator or a magistrate act from  
personal interest they conduct myself to inequality insufficient as  
well as often unjust & they might raise a doubt the character of

just & fit for their private profit

W.

Salves with no right to their rights

a defences which is much the same with that of greater persons & lesser corporations Salves have their right as well as men but being in a state of nature with respect to each other that is having no common judge or power on Earth their right must be defended by force when attackt to on the same manner as the selfe of private man

a distance

Some must chuse to  
be their law as in the nature of things the state that is possessed  
of superior force will maintain whatever it fancies at its right & have  
no good reason the others may have on their side yet they are  
under the necessity of submitting to the will of the stronger  
Power a prudenter & a defenterd point an extremely nece-  
ssary for the government of nature because if they are not a  
law to themselves there is no power on Earth to restrain you  
Magnanimity courage on the attendants of Justice & arise  
from the same principle namely a just judgment the true ex-  
cellence of human nature hence it is highly honorable to  
those in eminent stations that thought invested with a  
power that might enable them to

They choose to employ it on support of just  
but the rights of mankind a disdain though they  
have every thing in their power to arrogate any thing to  
themselves except what justly belongs to them or relate-

only because they have  
it not in their power to do injustice but when sovereign  
States or Princes do justice & it must prove a sin if th' au-  
thority & obligation be an admittance of it. Well then because  
this power has nothing

unless we should  
philosophers that this only  
affords the appearance of justice in order to obtain the ap-  
pealable judgment of men as dignity & elevation of mind  
is necessary in those invested with power it is evident  
that Officers Bankrupts Sharers & men of mean souls  
are utterly incapable of supporting

or acting with any tolerable degree of just & even  
or properly such men being entirely under the power of present  
interest are neither capable of thinking properly for themselves nor  
for the state hence they must be hard masters & ignorant  
unless exceeding

bad debtors may therefore because when an opportunity of a  
good bargain occurs they

"Vnde dicit hoc auctor patrum?" In trans-  
lating nations the act of the sovereign or of th' employ-  
ed by the sovereign is considered as the act of th' nation  
the intention of every jointly cooperation or association is to  
make one of many or that many may be governed

by one will which is understood to be the will of the  
majority or of those at least to whose authority the party  
has promised to submit Indeed the act of any committee or  
for it is not the act of the state except so far as on his h  
abinet he is entitled & acknowledged by the state the operation  
may be either negative or positive The injury for  
instance done by a particular may may be either open  
ly avowed by the governors of the state whereby it becomes  
thus act or they may artificially desimble their  
or by superficial con-

trivances & entitles they may cover the offender when  
they have no mind to lye him now in case of the  
kind of the violent & great republis discovered a  
method which they called ad populos or raporal

& intemately to that state that they would give  
up the man that they had taken as the author  
of the injury that they had received unless the state  
to whom he belongs would produce a biller upto  
them the real author of the injury this method by  
introducing way person in the offending state to  
despoil the real offender was of great use to pro  
cur justice between contending parties & for ex-

an injury  
members  
after the intention of jointly to make one of many that  
produces a community of interests among the whole mem-  
bers of the party as well as between the state & each in-  
dividual an attack made on any of the members  
injures the whole state in the same manner as an in-  
jury incurred in any part of a man's body awakes all  
his feelings & injures the whole man

avertion

that an injury may make no less on the person or effects  
of any of the subjects of the offending nation & jointly if  
uninjured by one or more individuals of another nation  
cannot prevent them from among the rest though they  
have particular knowledge of them they may probably  
desire them of the party to whom they belong & on their  
refusal to deliver them they may proceed against the  
whole party as socii criminis having taken the  
guilt of the offender themselves by refusing to deliver  
them up. It may indeed sometimes happen that it may  
not be in the power of the offending state to discover or  
deliver up the real offender where they are bound.

lence of this were not the case any one State by pro-  
tecting a few injurious persons might distract a peaceful  
neighbour as much as they did with impunity by  
constantly pretending that they could not discover the  
real authors of the injury. The law of nations therefore  
requires that reparation should be made by the pub-  
lic when the private

is justified in attacking & punishing  
any of the subjects of the other nation that come in this  
way in order to oblige their master or country to do  
justice either by investigating & delivering up the guilty  
person, or if they cannot be found by making repara-  
tion in their stead & then who maintain controversial  
rights by article 6 by force an said 6th in  
a state of war!

on one side of the m<sup>th</sup> complained of the offending  
nation & hence deny the fact if they do not actually  
make the first complaint as has often been the case  
in maintaining their own innocence however the fact may  
stand or that the were the fact complained of to  
be well & justly done the Norman had

Sociates whose turpitude were to make regular & frequent  
appeal unpleasing to the offending nature of the damage  
that the Roman gospel had suffered from their perfidious  
Protestant war against them. In case of their refusal  
to make reparation this war want will be done with  
great solemnity. The Draft up to bearing with him  
convinced

found a remarkable when he had not obtained  
justice as he demanded he knew a forcible way of defiance  
within the territories of the Emperor after which they were  
confined as in a state of war as was afterwards proved  
by his son than from real difference & infidelity of Intent.

Seldom successful & the theft.

any reparation but to maintain the injury  
by war thus it found that Cromwell

maintained the injury done by Paris in carrying off  
Belen without ever considering whether to deny or except  
Mondesir's protest, indeed that there had been similar rapes  
committed by Europeans in Africa which were commonly  
excused by the like injuries on the part of the subjects  
but Hermer mentions nothing of this kind when war

is one bugar the cause & entences of it  
entirely forgotten

Was it not only upon the apprehension of injurie apprehended  
of fact or despatched that world over the magnanimity of  
governors is never lost to a greater

injurious to them on the

beginning of war is only the opening of a few talents  
an infinite number of evils & the few after all must  
be very certain the govern'r of a state ought to be well  
advised before they enter into it. Trifling or accidental  
injury apprehension of imaginary evils & least of all  
the desire of conquest ought to influence them on this  
subject

been bugar for very slight matters from  
time for nothing at all that we can descover so that

from whence

Stand if all nations would take the same course to com-  
plain of the injurie that they mean as the Roman did at first  
many wars might have been prevented & narration easily  
obtained national prejudices are sometimes the only causes of  
wars at all times have a tendency to exasperate the  
parties against each other

times as they are unworthy of  
rational men have a natural tendency to dompt their

war may be so near or not to allow time for negotia-  
tion but when that is not the case negotiation and  
remonstrance ought certainly to precede hostilities. It often  
happens that neither the one party nor the other has

been desirous or even able to oppose the method proposed in  
the project namely to consider their strength & to exert  
the same before they go to war which would have been few  
or no wars in the world a nation having united

in order to

then the wants of mankind

as afforded opinion the numbers of  
mankind can never be a resource in any country if  
they are properly employed & well governed seems angle  
likely from the character of men

or situation the world has  
been always too large for its inhabitants instead of being  
so small Mr. Voltaire reckons that the world could af-  
ford to every individual 40 acres of land & 40 hours in  
money but whatever be in that it is undoubtfull that  
the world has always been abundantly large for all  
the inhabitants

The immediate object

that or worse one.

not totally disgraceful human nature  
great cruelty & torture & inhumane treatment of pri-  
prios as well as making themselves though long &  
generally practised

war is properly between inde-  
pendent nations, but has actually taken place between  
fellow citizens civil wars are gene-  
rally more fierce than those that take place between dif-  
ferent nations the passion of parties being more irritated  
in consideration of their former union

& must always be  
highly unlawful on one side the violence of party spirit  
of a false notion of the rights of men have commonly  
been the cause of civil wars war though often resorted  
to as an expedient

to amend a bad constitution or form of govern-  
ment & has a tendency to render the circumstances of  
men always worse & kind of better if men are wiser  
fed with the constitution or form of government un-  
der which they live they may rise against it  
expose it to disrepute they may even use them in  
such a more their friends to procure an alteration

them to do & if they cannot prevail by these  
means nor submit to any established form they  
ought to remove to another state but there is a  
nother extreme with regard to government which  
gives often an occasion of exciting party spirit  
that is when men imagine that by living un-  
der any form of government we are forced not  
only to submit to it but to do

now this is quite ridiculous because  
no man can be bound by any constitution or process

hated a slaves of the Lord & a slaves  
of very mean men & what is next under the guise  
of liberty Civil wars are often as unavoidable &  
thus cause or hard to discover as those between differ-  
ent nations the subjects of the latter United States  
having arms intrusted to them have great need  
to be well informed of the duties of good citizens

Demagogues - might induce us to per-  
suade them to take arms in order to alter or  
amend the constitution or form of government  
under which they lived or to obtain relief from

parties or from governments but if  
the leaders of each side were persons of understanding  
nothing but . . . . . if he had any real claim to  
the post even partly spent might often do little  
harm the disputes that exist between different parties may  
be very innocent & harmless if they are not too violent  
The talents of men are easily called forth to either by  
public disputes which while argument alone is made up  
of some no bad purpose but when men begin fight for

good manners to each other they are endanger of exal-  
ting the evil . . . . . to violence news papers controversy  
you tho' they may be sometimes favorable

ill-bred people have a  
dread tendency to excite civil wars perhaps the max-  
em of Chamorondas . . . . . What a man ought  
never to wage — war on any account against his  
own country

Lett. 162 April the 9<sup>th</sup> 1709-

The law of war are in general the same with the  
rules of private defence the object of both being common just such  
hostilities only can lawful as can necessary to obtain the victory  
destroying the monuments of art & turning a country onto a

object an balloon & dishonorable mod. of making war.  
Independent & ploughing a massæc are still more  
disgraceful when Liber the 11<sup>th</sup> ordered the Pallatinate  
to be burned & excited the indignation of all the powers  
of Europe. The best & most honest policy is making  
War confirming the rights of private persons & attacking  
only that which belongs to the publick. The makes war  
useless the legal process when reparation of damages alone  
is sought for but few or any foreign powers have either  
the power or the will to inflict such a curse on their  
neighboor & humanity forbids the most part of them on  
the contrary endeavor to destroy all that they can

without the least benefit

to themselves being an ordinary very fatal to the natural  
rights of mankind as the mind of the Bo-sugoo an extremely  
irritated by religion so that the greatest violence & cruel-  
ties are generally committed at the faith of  
"quid faciat troper captus crudelis"

On the beginning of wars men moderation may be expec-  
ted than after they have continued for some time as the minds  
of parties become irritated by continuall & many private  
reinforcements are added to the supped injury of the publick  
if foreign powers were generally desirous to break the  
amount trades might be exempted from the violence  
of hostile navies as well as fishing vessels which are  
now generally seized. The law of the Sogoo prohibited

over the unnecessary destruction of trees in an enemies  
country & the destruction of fruit trees even in the case of  
a siege. Th. 2<sup>d</sup> law of war is that whenever it is safe to  
spare an enemy quarter & it is unprofitable & despicable to  
neglect it as victory is the principal object, was it ought  
to be considered as quite irrational to suppose the punishment  
of an enemy which h. hyde himself or t. g. offer make  
to the unpunishment of the laws of men. The author intended  
meant that this was quite arbitrary & that men  
might either kill or spare their enemies as they chose  
him. Thomas respects his Honor as valiantly in cold  
blood those who had submitted to them in the field & only  
meant to fully reward them by the promise of great rea-  
sons. Th. testimony of the ~~whole~~<sup>whole</sup> & well known men of  
war makes always the most amiable part in the charac-  
ters of those who are engaged in it & ought therefore to be con-  
sidered by them or their duty if one party refuses quar-  
rel the other must do the like till the offending party  
conconsent. That barbarous custom the Romans refused to  
redemn their slaves that submitted in the field with a  
view to engage them to fight stoutly having no  
hope left except in victory this was even carried so  
far that they imagined that a man could never af-  
terwards fight with courage who had once submitted.

To be a prisoner

" No

" Differentientia condonatur.

" "

" Porrum uocans or even

" Si non per

" Captiva cibes.

But sounding ages have shown the fallibility of this  
nation & even the Romans themselves were at last obli-  
ged to give it up, as in civil society it is not always  
expedient to carry punishment to the utmost rigor even  
of natural law from where the most restraints that are  
put upon its fury are. The better for mankind in general  
Magnanimity & cordom on the chief commanders of armies  
c Bravery & humanity which always go together in the other  
officers & soldiers are the best security for honorable beha-  
vior. To keep quiet when it is demanded is almost  
never necessary as it has often been found that far as  
my hands taken prisoners another as my more numerous  
than their own. The different talents armed & unarmed  
men render this practicable together with the sense of  
honor & the obligation of Parolls. In the case of small  
parties called to actions while outnumbered with great  
numbers of prisoners & the small expedient of pulling  
their prisoners before the onset of the numbers of

that enemies have sometimes been qualified. The 3<sup>d</sup> Law  
of war is that breach of faith is exploded in the prae-  
tice of nations at war & would be ruinous to man-  
kind although the ordinary benefits of mutual so-  
ciety are recommended by the Prophets who are not war-  
y, yet there is a certain inference with respect to pris-  
oners which must necessarily be kept up & the same ought  
to be maintained by the same laws as civil society  
now for this purpose truth & faithfulness must stand  
or weare & contract war互相見面 as in the other those  
who surrenders at discretion have no resource except  
on the honor & humanity of the conqueror but those  
who surrenders on capitulation shall a right to be  
treated according to the terms of that capitulation  
by which every man of honest will consider himself  
to be most strongly bound a competition of arms  
would be ruinous to mankind because it would  
soon change all wars into exterminating wars  
therefore on the mercantile commerce of

a Cartail for the  
exchange of prisoners passing at war ought to rehuse  
themselves as much as possible to hourly variability & good faith  
as fellow citizens in their civil transactions & the more  
so that there are no court competent to decide be-

The excellency of honor & magnanimity which bend  
men more without confidants & with their own con-  
fide & yet more strongly than the greatest outward  
constraint. Honor is a friend to the laws of things  
The noble minds distinguishing perfidious

The character of men best when not accompanied with these  
advantages. Next to the rank of men injurious of destruction to  
soldiers who incapable of violating his word is a most hateful  
as well as dangerous character because being unpropitious  
of few no laws can bind him. Hence a just sense of honor  
has always been considered as essential to this profession because  
a man has need of true honor who is void of other restraint  
on this account soldiers solders are known in history upon  
the service & reputation is so greatly exalted because implying  
honor, before & cavardice when the whole of the citizens  
indifferently are armed it does not appear to be safe  
to maintain a sense of honor among them but that diff-  
erence seems to be the only means of preserving at least  
an appearance of it now. It is law of war is that any  
party may assist the injured but whoever assist the in-  
jurious. Only then treated as an enemy as was in the  
natural defense of state when attacked or threatened it

may be used by any state for the defense of another  
when it considers as injurious or will as for its own  
honor allegiance among diff<sup>t</sup> states to defend their in-  
genuine rights & that allegiance may be made worse for  
perpetuity as in the case of the Swiss Cantons, the pro-  
vinces of Holland & perhaps the United States of America  
of one they were united. It is lawful & honorable to do  
good others as ourselves when unjustly attacked  
and when it is in our power it is unmanly to neglect it  
The honor of Knight Errant confined in being always  
ready to maintain justice & punish crimes to relieve  
the weak when oppressed & to humble the powerful  
who had abused their favor to the injury of just  
men & society There can be no higher notion of honor  
Souverain Powers are the most honorable when they ac-  
cept the maxims of Knight Errant Thus England  
Spain & France  
adopted the cause of these States against England

of mankind the Romans indeed entered out of policy  
into all the quarrels of their allies but they never relied  
well with these allies & thus enemies were constantly sub-  
dued by the power of Rome so that they boasted that they  
had conquered the world by subduing their allies which

is neafly the wroft th. mischievous policy of the French  
by allying themfelves alwayz to the weaker Party whenever  
they had war w<sup>r</sup> the more abominable Government being  
the practice of a just & generous people Clever Cromwell  
indeed profited

o war of conquest by promoting  
a general alliance of all the Protestant Powers but  
his great designs were cut short by his death. Injurious  
nation will have their allies as well as others either  
they an powerful will meet with either sooner than others  
the laſt policy of the Sw<sup>r</sup> Cantons in hirring out their  
youth indiscriminately to any power or any cause  
so highly aliyed & unjust since Mr. Thorthau proably  
calls Scupperland th. Guinea or Slave coast of Europe  
for the abominable practice by which they often affit two  
opposite parties at the same time. & battalions of men  
are often drawn up opposite to each other some lawmen  
with as little notice as the Sw<sup>r</sup> & probably for the same  
reafon will leap from one side to another of the same  
cause during its continuall without confidring where  
they might lie But the allies of an enemy must neafly  
only be enemies — — — The 5<sup>th</sup> law of war is  
maid to puzed if they can be done without detriment

it's from undeniably just by the law of nations to seize the goods  
of an enemy upon him but the difficulty lies in ascertaining  
the property of those which has been variously explained  
at different times by compact between diff. nations some-  
times it has been held that if the vessels belong to  
had any right  
to seize them or were to search for them as neutral vessels  
when considered as neutral goods but as  
great advantages thereby accrued to predatory states & each  
party could carry on their respective trade on neutral bottoms  
Parties at war in Europe have for some time past claimed  
the knowledge of searching & confiscaing neutral ships in  
time of war to ascertain that the goods which they had on  
board belonged to their enemies & the manner the dutch  
Trade in the wars between France & England

at one  
a dutch fleet being now taken by one party & the  
other by the other something seems to be wanting  
in practice in order to make an established rule on this  
subject

South capes a provision on one side & the plunder of  
neutral powers on the other the clear of war that  
the effects of a ship & going to an enemy if they are such  
as would enable him better to carry on the war may be

Seized but the effects of a friendly Nation cannot be

duly paid for to prevent

them from managing the interests of the Enemy but the  
misfortune of the law is that it comprehends almost every  
article that a man may purchase of which may in  
this manner be considered as tending to strengthen the  
Enemy not only warlike implements & ammunition  
but provision & clothing as well as medicine become  
peculiar in the manner which considerably augments  
the calamities of war to the proprietor of neutral  
vessels as they always incur a much larger sum for  
goods than can be paid than they would have done  
if they had resorted to the defined Port of some state  
ment to the rigor of this law were agreed to by com-  
part between different nations the horrors of war  
would be somewhat lessened & the condition of neu-  
tral Powers much relieved but then seems to be a  
want of propriety in this law as well as in the last  
of the 7th law of war in that Captives may be detained  
do

& severely

Prisoners of war ought to be sup-  
plied at the expense of the states to which they  
belong & a certain ransom ought to be paid at the

and of the  
the opposite side. Nothing that is not necessary for the  
giving of Progeny ought to be inflicted on them because  
the whole object of the Taylor extended family is the de-  
livering of them all

of Seven days exempted to Officers of War occasion  
italation on their own countrymen so that a Naval  
ship in cruelty instead of coldness

After cleaving however to observe  
that in the last war in Europe the treatment of typhus  
varies on both sides.

at 1756

Africa or in the East Indies last before  
the period which we have mentioned there an certain other cause  
of war which took place after victory, & which com-

who were formerly at war. The first of these is that the conqueror may avail himself of his power to enforce his own rights & to obtain reparation for the wrongs that have been done him. What the conqueror calls his right in the beginning of the conflict he will maintain as such by the laws of war when it comes to an end. Those who make war with a view of conquest take care to secure their greatest edge to themselves by reserving their right to the subject in dispute at the beginning. Thus Louis the 14<sup>th</sup> claimed all Flanders as his inheritance.

to the laws of But however ridiculous this claim was when made & submitted to when he had got the country which he claimed into his possession Preparation of damages has been often demanded than赔偿 by belligerent Parties. The losses & sometimes both parties being so exhausted at the end of the war that it would be ridiculous to expect anything from them. Indeed in the last war between the Turks & Russians the Empress  
of the war

which are now the only traps now laid by so  
the nations when a claim is made by a war the losing  
party is obliged by the article of peace to allow it to remain  
with the conqueror yet the crown of Spain in yielding  
Cuba & Jamaica to the power of great Britain

an article in a treaty renoun-  
ing any injurious practice such as invading the territo-  
ry of others or sinking or seizing their ships or some  
times capitulating all the preparation that is claimed  
by a war the law is that if one was done not  
complete a right but damage & suffering incurred  
in war give a title of indemnification when a law  
of nature or war was violated

the claims of a conquering army whatever they are  
must be laid to the vanquished the authors indeed ima-  
gined that the vanquished lost all their rights by cap-  
itulation which they considered as immediately assigned to  
the conqueror either manner of grounding when they

<sup>they then</sup>  
they were obliged however to capitulate the garrisons  
they had as to ransom for which war is a paying  
when camille came up to the relief of her country

in the same manner as in sued questions or man is fully  
obliged to pay costs that were incurred by means of his  
own injustice & pride & obstinacy —

Lecture 163 April the 9<sup>th</sup> 1709 —

The 3<sup>d</sup> law of war after victory is that the conqueror  
may take such measures by disabling his enemy as he may think  
necessary to give himself a proper degree of security for the  
future the advantage gained by the conqueror enables him  
to deliberate the terms of peace for his own convenience accord-  
ing to the notion that he has of what is necessary for his own  
security now it is probable that a nation must be very much  
humbled before they can inflict a state or may satisfy the  
conqueror that he has nothing to apprehend from their power  
or resentment the extirpation principles of the ancients  
were founded upon the idea that they had of the deserv-  
ement of the conquest & their conduct on this head deserves  
the courage & worth humanity in a very favorable light  
Even in the exercise of public justice it has always been the  
policy of the East to enslave or the ruin of the guilty  
person all his family children & relations that there

might be now left to resent his sufferings. The same  
example of jealousy & dread has generally induced their  
monarchs to vindictive Brothers & near relations on their  
accession to the Throne that they might have full possession  
of it. The depriving the vanquished nation of the use of  
arms, the returning fortified places & convenient passes  
into their country the depriving them of a part of their  
territory & the removing of them from one country to  
another are expedient, which the jealousy of conquerors  
has often dictated. So then in sundry ages for the same  
purpose in more modern times hostages have been  
demanded Harbours & ports have been released by  
the conqueror & restrictions on Trade & navigation have  
been imposed until the weakness of the vanquished obli-  
ged them to submit to the jealousy & rigorosity of  
the conqueror did him to inflict on greater being common  
by the effect of force can be expected to continue no longer  
than the necessity of submitting to them. The 4<sup>th</sup>  
last law of war after victory is that a Nation dont  
begin a party on the persons of their captives as  
they do in effect lawfully seized either the more liberal  
Scots of modern times or more probably a part of the

inflatality of fortune & unquietude of circumstances have led  
them to abandon the custom of the ancients which used to  
make all their captures places with all their property  
now the Moderens concluding that the conquest to such a  
custom w<sup>d</sup> offend the flattfing a law aga w<sup>t</sup>  
y<sup>r</sup> selas have unifly despatched that the p<sup>rs</sup> who have  
the misfortune to be taken or was may be exchanged  
or redounded & that the conqueror uncondly confer them during  
the war without claiming any exortity in y<sup>m</sup> His curions  
to observe that it required the experience of many ages  
& the enduring of gr<sup>e</sup>at & frequent misfortunes to  
mark the insatiable of the regulators of natural justice  
in one place & in a case that so nearly con-  
cerned themselves on the other hand to no less curions  
that what they looked upon to be the most violent  
misfortune & one of the iugest effects of the rage of a con-  
queror namely the removing great numbers of people  
from their possessions to very distant places has now  
left all its terrors & great numbers of mankind now  
infat upon themselves for their destruction & even with views  
of emoluments that punishment which among the anti-  
c<sup>nt</sup>. war compd and next to slavery as the low<sup>t</sup> degree

of humiliation that the rage of a conqueror can inflict upon a conquered people. By the maxim of Compulsory law a person may on every occasion sacrifice his rights even to extremity, but from considerations of duty we may on many occasions be obliged to forego it. The acts of private persons & of nations may be limited in many circumstances & both are often restrained from going to the utmost extent of their rights from considerations of humanity & duty. The conduct of nations is always the more laudable the more that it is influenced by rational & social feelings.  
"Sumnum jus est summa injuria." The rigor of justice is sometimes too much even for the feelings of those who do profit by it & he often inflicts to remove his right by being touched with a sense of the necessities of human affairs. "Carry me now."

Melizans is indeed to intent for the money "date obtem Melizans" or when Carthage we often forget their errors & their misfortunes & a sense of justice gives place to generous compassion a person is more disposed to maintain & to exculpate the afflictions of a benevolent mind than he is to enforce his rights & conditions

in any other respect. The importance of a man to him  
self & to others justly or sufficiently attended to but the sense  
of what we are has in an acting enters more into  
our prosperity or adversity than our external circumstances  
or situation with regard to others. The man who has  
waded thro seas of blood & guilt to obtain the ingre-  
dients of luxury or the trappings of grandeur & those  
miles which the world honors never reflects till it is too  
late that he has only been grasping unpeachable  
torments to himself & rendering the sense of his existence  
a burden to him by the meditation of his dishonorable & crimi-  
nal conduct which all the apparatus & dress of luxury  
cannot prevent him from thinking of.

"Dilectus estis cui propterea

"Non simili deaper dulorem claborabant sponorem

"et in avia

The confession which a just & benevolent man  
has of his own existence is connected with the gleaming  
remembrance of rational benevolent & virtuous  
conduct & though his possessions may be very small  
they are all his own. "qui non sibi confitetur nisi"  
gives an immaterial value on them & gives them

are left what a man of an opposite character  
can never find in his large possessions because  
they are none of his own but acquired by crimes  
The Constitutional laws of Society on some instances  
as well as the law of humanity admit that the ex-  
treme necessity of one party may supersede the  
rights of another Other acts of grace for such insolent  
debtors whose misfortunes & poverty was not accompanied by  
guile and undue contumacy may be considered as acts  
of justice not of compassion or humanity for what can we de-  
mand of those who have nothing & who have been  
brought into that situation by circumstances which it  
was not in their power to prevent "When there is nothing  
to pay says the French proverb the King loses his  
right & so certainly must every other man in the  
same situation because no man can have a right  
to what does not exist the clearest right therefore  
may then be forgotten extinguished for want of an object  
according to the old adage "qui nihil habet nihil datat"  
But the case is quite otherwise with regard to those  
bankrupts that are the effects of deliberate fraud  
or harmful intemperance or scandalous falsehood —

These are the gross details of the severity of justice  
e neither the apparent nor real want of it on the  
part of the bankrupt ought to be considered as having  
the least tendency to strengthen the claim of the creditor  
Slavery & hard labors for life attended with infamy are  
the just & proper punishment of fraudulent or extravagant  
Bankrupts who inflict them upon them would  
not only be consistent with humanity but reflect the greatest  
humanity to the family as examples of that kind are so  
much needed to give mankind of moral obligation & to  
deter them from the deliberate & shameful practice of  
injuring all the unarms of men an comprehend under  
their right & defense these two are the great objects  
of Politics what ever the business of all government to pur-  
e itself in the best manner government an other good or  
bad in proportion as they tend man or less to the security  
of these right & defenses we now proceed to enquire  
what mankind have actually provided for the security  
of both these by the several forms of civil government  
whether simple or mixed now that form & administra-  
tion of government must necessarily be the best which  
proves in the best manner the rights & defenses of men

without favoring any one of them to another as  
all human things are necessarily liable to corruption  
we ought not to be surprised to find that there are incor-  
ruption & corruption inseparable from all of them  
& that after all the efforts of human wisdom  
enlightened by the errors of a long experience

will still be found to cleare inseparably to all the  
causes of more men than what our ignorant & much  
room politician can form no conception of from utter igno-  
rance of history & human nature & from observing that  
all the defects in human policy are curable when taken  
separately They foolishly imagine that it is profittable for govern-  
men especially for themselves to continue such a confeder-  
ation or form of government as not only shall have no  
imperfections at all but shall be utterly incapable of  
ever admitting of any such but they do not consider  
that an anxiety to prevent one imperfection might often  
occasion many more That the corruption of human  
nature tends equally

the necessity

to correct

itself in an opposite direction & that after all the care  
that can be taken in continuing the form of a free con-

the good & bad consequences to be hoped or dreaded from it  
will be found to depend infinitely more on the moral cha-  
racters & capacities of the men that are entrusted with the  
administration of it & the moral character of the people  
in general than upon all the regulations & rules of  
good & bad Politicians

It appears from the history of mankind that men have  
always acted in bodies or companies greater or less that  
they have had an idea of a common good as well as  
of that of the individual & that while they gratify each  
other for his own gratification they at the same time are  
naturally & necessarily disposed to constitute political  
forms & to unite their forces for common safety according  
to such plans as they approve which they think will  
be most for their advantage. The social nature of man  
is to be traced in every part of his existence & is equally  
to be inferred from the cravings of his material age as from  
the helpfulness of his infant years. Solitude indeed may  
please for a little from the charms of novelty or when  
men have no property interest or friends in society to

attract their affections but surely in the natural  
state of man to which he is innately disposed we  
alone can make his faculties fully his & desire &  
lead him to the highest conception of what his nature  
is capable. The state of nature which is always first  
posed by writers who are but prone to that affinity  
we have already shown to be a mere fiction. Society  
ill or well apostles us that state in which man is designed  
to be happy that happiness which is always sought  
but never perfectly found in this life as the ends to which  
our nature is liable do not afford themselves to our im-  
agination in a group or connected together but  
make thus appearance one by one according to our  
own conjecturally the contrivance that we fall upon  
with a view to meet them are commonly particular  
imperfect & calculated only

as it is common to observe that in our anxiety to  
guard against one evil we may fall in a  
greater one or even a number of them so that our  
negligence in this manner is constantly exalted & we cannot  
intervene without instant & irrecoverable loss an at-  
tempt to control the irregularity of human affairs by

stream in which constant efforts are required on which no  
honor is immediately attended with loss or degradation.

" Ac velut adsero figura influmine lumbum.

" Nemusq[ue] subigit si brachia forte sunt.

" Atque illam ex propria rapiat alium anni.

Common safety undoubtedly the first motive to society  
as being in its own nature prior to all considerations of  
cheaper & profit. Danger may arise either from wild  
Beast or from wild men. When the patriarchal govern-  
ment first became ungrateful & injurious from wild men  
first made their appearance & then abrid danger the  
Election of a military chief was the thing that must  
have first occurred as being most necessary & most suited  
to the condition of rude men that he might concur  
true & decent thus either for defense or  
for acquisition. It may easily be proved from human  
history that most of the former habits, & pursuits of  
men result from the state of their society & that  
men are more or less happy in proportion as they love  
mankind that their rights & their duties are rela-  
tive to each other & therefore that their most important  
concerns & interests are to be found in their mutual

ulation & in the state of their communities men are  
not more fitted for society by nature than they for them  
men are disposed to imitate one another & were to love  
one another when selfish passions do not interfere &  
cause us to believe promises & narration to take an  
interest in each other's welfare & to find a great  
accident to their happiness from the disorder improve-  
ment enlargement safety & security of the commu-  
nity & what they being & all this notwithstanding  
will desire any other reason for it than that we are  
so made and cannot be otherwise if men had  
it naturally in their power to enjoy the greatest pos-  
sible plenty in a state of solitude & retirement unknown to  
all others yet they would leave the offend living & choose  
the hard ways of society for the sake of the pleasures that  
are mixed with them rather than the most unmixed  
possessions of solitary & unknown happiness —

Lecture 164<sup>th</sup>. April the 9<sup>th</sup> 1709 — —

It is fabled that Cupid being in love with  
beauties a magnificent pallace stiled with all kind of magni-  
ficence luxury & delights that in all her deserts were provided  
every thing that she could wish for was immediately brought

interrogatoris in audible voices she had taken of the  
company of Cupid her lover

all these delights she was extremely unhappy because she  
had no witness of her happiness & therefore desired to see  
her lover at any rate & upon using a certain magical power  
the Palace Servant a magnifick furniture & cupboards  
all disappeared in a moment & she immediately found  
herself all alone in

which she find the place was a gloomy phibisher of a fact  
that dealt much in allegories & prophecies that he either invented  
or collected it for illustrating the final nature of man & the  
absolute misery of poverty for his happiness one great object  
of their being in which the love of mankind may operate most  
effectually yet remains to be considered in the establishment  
of nations & states in any independant company or party of  
men acting under a common direction now the adjustment  
of the numbers of a nation in such an order as tends most  
to the security of their common & equal rights of defense &  
to enable them to act with the greatest advantage to their  
common good constitutes the Science of Politics or State wisdom  
the number of members & the duration under which they act  
informed the State juries of law from the common duration  
in the government of all nations by these juries the publick

enough or performed & represented either by one person or  
made as is thought most convenient & agreeable to the taste  
& fancy of the people that fiction of law which is admit-  
ted by the greatest numbers & that to which all the inhab-  
itants of the County ought to be subordinate because the  
abstention of debt persons to different fictions or forms  
of representation in publick interest amounts thus profiting  
by any of them in the mean time whether therefore the pub-  
lick interest & the publick power will be supported by an  
unthought fiction of law to be represented by one person or  
by many & whether it is represented by those impartially  
or by friends of one to another yet the support of one con-  
fident fiction is absolutely necessary to the permanency &  
safety of the nation It may perhaps be thought extraordi-  
nary to place all form of government on the foundation of  
a fiction at law yet nothing so men esteem than that this is  
the case because whenever men begin to think differently & no  
longer to agree on the form fiction or performance of the pub-  
lick interest the whole frame is broken & the cause of their  
former union is at an end at once the monarch & the  
Ruler who were originally venerable & respectable  
while the belief of the fiction remained that is as long as  
they were believed to be such surely at once into more  
and many men whenever another fiction or contrived or

comes into request. In the very same manner as a player  
who has performed well the part of a monarch on the  
stage after putting off his Robe, & laying aside his costly

an ordinary & perhaps an  
insignificant or unadorned fellow. The art of all government therefore  
is the duty of Masters & subjects conscientiously exerting their  
several parts well & in supporting the nation with ability  
fidelity & prosperity & the whole happiness that can be  
derived from government depends wholly upon this doing  
so men will easily believe that a man exalted of power  
who acts in a manner that is worthy of it.

Submit both honourable the wife & the courageous mean  
or dishonorable conduct either in magistrate or subject is that  
which breaks the charm & dislocates things, but they are but  
the whole wisdom of the wisest people in supporting the  
nation with prosperity & in endeavoring to give it the most  
salutary & agreeable effect on the public interest a Philo-  
sopher who places himself with contemplating the plan of a  
perfect government either in his own imagination or in the  
wishes of others is exactly like that man at Argos men-  
tioned by Horace who imagined that he saw & heard  
the performance of most capital actors in setting in an  
empty theatre & bestowing a page entirely empty

Hunt.

" Gee

"In vane solus apud clausaque Thiatro"  
But when was he inverts his revile & condemns any  
form of government that is actually established in the  
world. He is like this same man when found offis mad  
wife.

"Qui ubi cognationem spibus uniusque iustitiae  
" Expulsi  
" blemque.  
" undistis amicis non sensibus ait  
" Qui sic extorta  
" mente grabissimur error."

D C among the Authors of Jules  
Camille Sir Thomas Moore Sir James Harrington  
Dr. Waller & Mr. Hume among the moderns have  
severally armed themselves in this manner in making  
draughts or projects of a perfect government Father An-  
dres Mendro a Spanish Jesuit has however bid his  
talents on the same subject. It would be needless to enumerate  
these several particularities or the defects of each of these  
systems but we may observe in general that all these  
authors have found themselves obliged in order to com-  
plete their Theories either to affirm some principle  
which does not actually exist in human nature

so that none of you can adapted to human affairs nor capable of being realized for the good of the public. The contemplation of them however is generally useful because it serves to point out the manner of reforming all real governments so far as they are capable of reformation & do exalt the notions & views of men by the image of ideal perfection when we say that government is founded on a general suspicion or the uniform belief of a nation of law we do not mean government in general but any individual form of it that takes place in a particular country or government to others now when the public taste undergoes any change that form which had appeared so amiable becomes immediately ugly & exhibits most disagreeable features so that it can no longer command & another is substituted in its place. In the same manner as with respect to the fashions of cloaths those fashions which for one month are supposed to be the most rational becoming exploded that could be imagined after two or 3 months become ugly vulgar & intollerable. The reason why all men love the name of liberty is because it is a mere negative idea we signify nothing that is real but implies only the absence of one evil namely restraint or fet

much good & there all that is left to us we add  
out of our own imagination the absence of all other evils  
& the possession of all goods what power ever of those what  
are incompatible with each other draw it to certainty these  
public or imaginary additions what gave the charter  
to the word liberty especially as every one has his  
addition according to his own desire or fancy a supposed  
liberty to comprehend property pleasure riches dominion  
or regulation tho' indeed it does not imply any of all  
those Now if men <sup>knew</sup> that liberty signified only any  
condition in which a man is free from one sort of evil only  
then come to it would be nothing so great nor the admira-  
tion of it so extravagant as we find that is common  
by a Nation.

The happiness of individ-

uals must depend much more on their own character &  
conduct than either on the form or administration of the go-  
vernment under which they live though this too may  
have an influence on it or some degree The sober & honest  
government which we have mentioned all concurred in sup-  
posing mankind to be what they are not or in supposing  
some example in them which is not or in supposing the ab-

some of some people who are separate from their nation  
but all the actual & simple forms of government are liable  
to the same objection more highly, a despotic monarchy for instance  
supposes much more virtue & wisdom in the monarch than  
is found to fall to the share of ordinary men & it is however  
supposed such baseness ignorance folly & incapacity in  
the greatest part of the subjects as they were incapable  
of conducting their lives in any respect even if they  
lived in one of the constant terrors of arbitrary power.

or control

Another difficulty -

Aristocracy ordered supposes agreeably to truth no  
but that some men are virtuous & others vicious  
that some are wise & that the greatest number are  
otherwise least wise

& nobility will be always found mixed with wisdom  
& virtue & those who are deprived of the best of  
them will have or must have an inherent & inherent to  
qualify them for governing other men. Republicanism  
is the most dangerous of all nations & utterly irrecon-  
cilable to both a nation because it supposes a  
whole people to be little less than perfectly wise &  
perfectly virtuous & sufficiently qualified to govern  
themselves at the last it certainly supposes that the  
wise & virtuous in a nation are always the greatest

number lucay, the share of representation officers  
e governors & left entirely to them perhaps it may  
even be rendered a ready suffocation to suff of that in  
any one country

the majority get we must other suff of this  
or the suff of that a majority will always at least  
have an option for wch e virtuous men more than  
others & consequently that they will elect them for  
unjust rulers however even this suffocation

than the foregoing one but if we find not agreeable on this suffo  
cation we must imbrue one that is fullt more hardy &  
not a little fashionable namely that wisdom & virtue  
are by no means necessary for representation & rulers  
& that the ignorant & the vicious may promote the  
publick good fully as well provided they are chosen by  
a majority of the people but of none of the former suffo  
cations will satisfy

people are under the influence  
of the vicious part of the nation & that they will be  
generally determined by their adoe & example but this  
is suff of the non sufficient as being utterly contrary to  
the nature of things the best thing therfor with regard

none of the suppositions that we can make will come  
within sight of truth or probability so as to give us  
any prospect that this form will be favorable to the  
welfare & rights of mankind the fact is that all  
governments whether either simple or mixed are  
men ~~bottom~~<sup>bottom</sup> & the best that can probably be said of  
any one particular form is that it gives more than  
or than the others of equalable

is the

equal enjoyment of rights any useful  
law or regulation that is wanted may be enacted &  
published & any public grievance may be easily removed  
providing that it were considered as such by the major-  
ity of the people but here again lies the difficulty  
how the majority of the people can be made to agree

wretched we

are composed mostly of uneducated men the happiness or wretched-  
ness of individuals depends mostly on their own character  
& in some respect likewise on the former administration  
of the government and <sup>as</sup> which they live either the form  
or the administration of a government may produce  
signal unhappiness to individuals even when their

as happy or unhappy either in respect of their reforms  
or with respect to their institution of national resources  
or the effect of particular economy & material in  
situation.

law. That nation may be said to be most happy who  
have the best reforms & the best institutions for securing  
the rights & duties of men. The right exercise of compul-  
sory laws is the object of all political institutions & ar-  
rangements. A goodly economy is necessary to enable  
nations to pursue their ends in the most efficient man-  
ner. In deducing the natural history of mankind  
we took the occasion to describe briefly to compare with  
each other the several

conceptions in the history of mankind  
it will be sufficient to remark, first, that all forms of go-  
vernment are entirely indifferent in themselves and may be  
either more or less useful for securing the rights & duties of  
men in proportion as they are well or ill administered  
each of them has its particular conveniences &  
disadvantages. A mixed government of 3 branches has no doubt  
been the most popular of all the mixed kind, & is accord-  
ingly adopted by many nations in Europe & now by 12 of

the United States will form one of many independent confederations or all from one every state or nation of every great among them every of course without the least alteration in the form the paper opinion instantly will founded.

" No form of government let fools contend

" That which is best ad

On investigating therefore the happiness of nations so far as this depends on of on proclaiming the cause of it we will have no particular form constant by or over but the ob to be made will supply equally to each of them now as the following a due example of compulsory law is the greatest object of all government so public economy must be necessary for every & that it may be enabled to effect resources for securing the public happiness In countries where there is no property government is entirely impracticable & superfluous a liberty of no value whatever laws & government are not only necessary to enforce property but the resources that support these must arise from the property of the nation whose happiness is to be found by them a happy nation therefore must at least have property sufficient not only to supply the natural necessities of its inhabitants

of government & enabling them to discharge their duty  
& the publick a republican government may in one  
case be considered as most suitable to a poor people  
because the salaries of officers may be made smaller  
under that form than would suit with the salaries that  
afforded by monarchs & tyrants tho' a too great  
indulgence in this respect might likewise be very hurtful  
to the authority & efficacy of republican government & to  
may tend to fill the office of the state with cowards more  
or men of little minds who w<sup>d</sup> give themselves very little trou-  
ble with the duties of those offices that afford'd them  
a small emoluments. National resources include  
many articles that tends to constitute the strength of  
nation or that may be employ'd for its genera

under 3 heads people wealth & revenue  
some of these have already been consider'd in treating of  
the natural history of man or respect to the fact or  
respect to the errors which men actually hold on the  
subject of them but they are now to be consider'd in  
respect to their offices & comparative value  
advanced —

Populousness is the first fundamental resource for a nation & the

that a nation occupies a State situated  
on an Island or on a part of the continent where  
its frontier that needed defense is of little extent  
may be populated & defended much better by a small  
number of people than a State

by 10 times the number of  
the others may the very figure of the territory is of  
great importance because all figures are capable  
or sharing in proportion on the approach to it results  
from that

territory is almost of as much  
importance to nations as to fortified places & therefore  
fortifications are undoubtedly the best when the place

is left which exhibits the smallest  
frontier to an enemy & contains the greatest num-  
ber of people in the smallest space the compact form of  
the Kingdom of France has been often taken notice  
of as contributing not a little to national concen-  
tration & resources but the convenience of a compact

confederacy the inconveniences of an incompact form  
of territory the dominions of the house of Burgundy

dim of length without breadth so if  
they were incapable of defense & were all left alone  
day though they reached in length from the Eastern  
Frontiers of Spain to extremely of North Holland  
the Dominion of the present Emperor of Germany

y<sup>r</sup> others from Belgrade to Milan a space  
of more than 900 miles & they must be considered to  
weak for the very same reason & this weakness is one  
of the best preservatives of the liberty of Germany & the  
other powers of Europe China & Holland contain the  
greatest numbers of people in the smallest space of any  
country in the world

The value of numbers however  
is in the compound ratio of their union & their charac-  
ter

more virtue under numbers of people of no sort  
of significance to a nation but of both these are wanting  
the nation must be poor & miserable.

Society to make one out  
of many & to make numbers to act at once under  
a common direction no man individual can be said to  
belong to the nation than can be made to act

of not as enormous vicissim are the numbers  
of every society & instead of adding to its strength or num-  
ber naturally tend to its diminution either directly or indirectly  
The prosperity of a State therefore ought only to be com-  
puted from the number of veritable individual that it  
contains because the State cannot depend

on a people in consequence of  
their number sometimes become disarmed & corrupted  
but this may suppose the condition of other circum-  
stances such as wide diffusion

of government Thus Egypt  
which was always retain-  
ed with the greatest difficulty under the Roman  
Emperors & for the same reason it is still  
at all by the Turk-  
ish government tho' not so distant from their capital  
the Arabs, Syrians & Tartars

regular government but these  
countries are constantly traversed rather than inhab-  
ited by unlettered & wandering Shepherds which may be  
reduced more than half Savages countries man  
more may indeed be

but the more in-

orality of a people separated from their causes  
can have no tendency whatever to render them  
corrupt or dispirited.

Lecture 165 - April the 10<sup>th</sup>. 1789.

Publ. every day of zeal & political invective. The greater part  
by this means are either thrown into a state of languor & de-  
sirely or they tract great & popular schemes imagining that  
they have a quite different interest from the rest of the communi-  
ty under dispersion & want of correspondence with their ignor-  
rant of publick affairs & transaction, so that they either concure  
groundless prejudices against government or suffer themselves to  
become a party to noisy & ignorant Demagogues who promise to  
secure their rights by threatening all into confusion frequently &  
capable of communication therfor is absolutely necessary to the state of  
large & stout unwaried figures or scattered population. The  
invention of the shawm or pipe among the ancient Persians is

least recent in Europe but has been of immense use both for  
increasing the energy of government & promoting unanimity  
among the subjects & diffusing knowledge of every kind with  
speed & efficacy. To say nothing of the advantages of it to Trade &  
com. friend by audibly we find that that part of our  
state which has the convenience of Posts is already greatly  
superior to that part which is destitute of them in unnumbered and  
numerous the acts of life & acquaintance w<sup>t</sup> public concerns. The  
Turks left their liberty by being scattered & wanting opportunity  
of hindring the inclination of each other & the same must sooner  
or later be the fate of all those states which neglect the advantage  
of good roads & frequent communication. The Romans  
never imagined that it was possible either to govern or govern effectually  
without good roads & they began with this article in all  
their conquests what proved a considerable means both of retaining  
them in their dominion & of bringing them into a cul-  
tivated & polished state improvement in art & an early com-  
munication when states modes of communication are provided &  
facilitated by the public & without the many improvements  
might remain unknown more part of the state while they  
were undisclosed & qualified in consider Human nature  
in states of a moderate extent has commonly disposed & caused  
but in states that are either overgrown scattered & largely governed

it has uniformly declined & degenerated. In a small state every individual has a larger proportion to the publick & can be better known & more generally respected than in a large one. But in an overgrown state or in a state of scattered population a man is a mere atom & has no sufficient proportion to the publick at all, & in general can never belong to it. Hence overgrown nations commonly degenerate into despotisms & those by luxury when their population is abundant or by want of freedom when it is thin & scattered now Despotism buries all distinctions both natural & adventitious & leaves no longer influence or consequence to any of the subjects who are all overwhelmed & sunk under the weight of the despot. The size of most of the united states except two or three which ought to be suppressed in such a way favorable for the improvement of the human character & for affording sufficient scope for men of eminent talents to distinguish themselves beside the confederation & importance which they might attain in a federal government. The luxury of overgrown states invades the powers of men & when there are no rewards for virtue or real worth men of active minds will disfigure themselves only by such trifles as may give no umbrage to government & will be obliged to affect that insignificance & frivolity which is the only prostitution of genius in arbitrary states on the contrary of very great numbers are

injudiciously crowded onto narrow districts or cities they are  
much exposed to corruption & apt to become profligate debauched  
& bantling sedition incapable of social or public affection  
Too much or too little communication too distant or too  
close neighbourhood an extreme that are equally hurtful to  
the moral & political character of men In a very large  
city the inhabitants cannot be all known to each other  
nor when there is a great number likely unknown to others  
& exposed in the deepest obscurity in the midst of the great  
of celebrity their numbers & names not being under  
no direction having no principles & having no regard to  
character & at the same time living under almost no restraint  
from laws become a sink of corruption & a seminary of cri-  
minal & may become a fatal instrument of destruction in the  
hand of any Demagogue who might be able to influence or  
by imitating their manners & adopting their practices. The  
city of London E. G. by a very lax government & almost total  
want of Police contains at all times vast numbers of greedy  
& unprincipled villains who use no industry & follow no  
lawful occupation but subsist solely by playing upon the  
honest & industrious part of the inhabitants & they are  
the more dangerous both on account of their great numbers  
& their obscurity by which they are in no danger of being

worshipped there as well as here  
has always prevented the English government from inquiring af-  
ter this enormous nest of villainy & they rather choose to remain  
exposed to all their arts & to live constantly in a kind of state  
of war than submit to a regular police which they think w<sup>d</sup>  
be hurtful to liberty & would make them subject to arbitrary  
counselling off the late Duke of Newcastle when in demonstration  
of his measure often opposed by the London mob who were  
under the influence of the country mobsters had no other resource  
than to hire a mob of his own whom he kept in constant pray  
ready to take the field at a moment's warning what was the  
other mob offend to stir but the English ministry on the days  
of Wilkes had no regard to this method which might have been  
very useful to him

obnoxious to the multitude. The union of a people depends on the arrangements or dispensers which are made to employ them where the public force requires local affections inferior corporations & ties of neighbourhood are highly useful for promoting public spirit & union of affections by such means various characters may acquire many talents may come to be known & neighbours have opportunities of communicating their opinions to each other & getting the better of their opinions so that the nation may be uniformly benefited by means of these already organized bodies which are the depositaries of

Nation was not only dis  
posed to union by knowing their selves to be all of one family  
by but by the gradation of organization of their families  
into neighborhoods & by captains of thousand, hundred  
& tens which joined to compell the execution of that wonder  
ful purpose. Off course that these choleric temper & martial  
disposition often brought them into animosity but  
this only prevailed when the infestations of their law were neglected  
The union of the people on regulars depends much more upon  
their affection to the community than upon the power that is  
established to enforce their laws or the citizens of a free  
republic have no strong objection to their common only ground  
from their voluntary attachment to the publick & the laws  
must be expected to have but a very feeble operation when  
they are not consonant to the prejudices of the people now this  
is indeed the weak side of Presbyterian government  
that it is almost impossible to make a law that can  
have any operation at all

• the prejudices of the  
people are always violently set against any institution that  
may have the appearance of making them do or suffer any thing  
against their will even if it were just or reasonable the more that  
knowledge is diffused in a community good laws will more  
probably be made certainly more resented & union more easily

maintained last & this Chruse if th. prejudices of the people are  
commonly very strongly opposed to them an evading apt to  
disseminate knowledge because dispersion is unfavorable  
to that Mortality which they call liberty an ignorant &  
furious mob is necessarily much more hard to govern than  
the most extensive assemblage of regular & knowing citi-  
zen & the fury of an ignorant mob always affords the best  
excuse for introducing tyranny or arbitrary power as a juron  
& ignorant mob can scarcely be governed in any other manner  
I hope that encourage mobs on the presumption of their being  
unfavorable to liberty

The most effectual method for introducing Despotism into their Country as indeed no country can suffer long without arbitrary government when once an frequent contact with iron-clad monarchies the union of the People give his Country the State

The manifold gradations of office render a condition in a monarchical government entails such a chain of dependants as one way or other comprehend almost every individual in the state & the common dependence creates one of the strongest bonds of union in those States no one is so high but that he has his superior to please & none is so low that he cannot be greatly benefitted by the favor & goodwill of those who are immediately above him or even less useful in some way or other to some who are far above him in rank now this dependence forms the union

of manners which is always to be observed among the subjects  
of a monarchy on the other hand the citizens of republics  
having no necessary dependence on one another except  
the candidate for dignities

thus passion for  
fear of giving offence the consequence of which is commonly a  
confusion & perplexity of behaviour which lead men to form  
the opinions of others who have no regard at all to the  
judgment or feeling of their neighbours this temper is  
much against union & for this reason the citizen of a  
republic ought above all others to cultivate knowledge  
& Politeness of manners or by their independent situation  
they must have less mutual respect & contract a sort of  
Pride that commonly puts them out of all capacity being  
bemused by the wisdom of one another so that in those  
countries every man has the more need to acquire some  
independence of his own as his sense of the independency of his situa-  
tion will not suffer him to make use of any other than  
union of the people in despotic

to inform the friends  
of sedition of the gospel a standing army under strict discipline  
Subordination in an awful spirit ordered to a full & an arm-  
ed multitude & the cruel further governments which are

inflated on State Commencement of dispossessed Government

so that they become as one man in Bedouine to their dispossessed or his officers. He related of a certain minister of state in Persia that he used always to put with both his hands whether his head was upon his shoulders every time that he came out from the King so awful and majestic is an absolute sovereign to those who entirely depend on him & who have no laws to enforce or defend their rights  
8th. Character of the people

attempt to heap & to enforce or to improve the advantages of their constitution & to support their country in pursuit of its objects, but the number even the union of the people are of no consequence at all as a national resource unless they have good moral principles & an industry & properly instructed a wicked or an idle people however numerous or however united might necessarily be poor & prone to sedition as having nothing to look & every thing to gain in their opinion by the change of government but a love of truth & justice & a sense of honor & moral obligation are of greater importance & monopoly than industry itself for the reason that industry cannot be exerted nor the powers of members combined for any national purpose of improvement without honesty & uprightness which are the

late years had bestowed but the of the sum to encourage  
industry which they have undoubtedly squandered on fo-  
reign luxuries it might have contributed greatly to  
the union.

time have delivered us from the greatness of our foreign & do-  
mestic debt & given us the beginning of a new go-  
vernment are of much more importance than twice that  
period after it is proposed to have become stationary.  
Prejudices have taken a deeper root but industry is not  
only necessary to make population sufficient to the public  
but also

poorer than an idle people can do who are apt  
to become debauched & incorporate with all things in  
the world is the most fatal to population.

Lecture 166 April the 10<sup>th</sup>. — 1709.

Different characters are required under different forms  
of government under republics of very soft high degree of liberty are  
required under monarchy less & under despotism less of all. In arist-  
ocracies the appearance at least of virtue is necessary one of the  
heaviest objections yet reasonably made against republican govern-  
ment is that it requires such degrees of purity as are rarely found  
among ordinary men & those who have doubted whether republican

government could be supported in this country did so because it  
was a question with them whether we had virtue enough to go  
on and when conducted actual expenses & present talents  
the situation of our public & private credit has shown to a demon-  
stration that we certainly have not too much now of state officers  
in general an substitute of probity & yet are not made responsi-  
ble for their mismanagement which has hitherto been the case  
what party will the public have in a little time for the up-  
right management of its affairs a sense of honor which is a  
great preventer of many crimes is however much more  
easier to be found & more difficult to be supported in a republic  
but in a monarchy the example serves as a substitute for  
virtue where it is not & for an ornament to it when it really  
exists. The greater degree of confidence that grows under monarchy  
makes virtue less painful or at least in a less degree than it  
is under a republic but the loss of a subject has almost no  
qualification at all being exposed to the jealousy of his  
master or anxious with others to the happiness of the people by  
his office he must despise him fully from the first by flattery  
from the other by terror & uncommon favor under a mon-  
archy a ruler or public officer does not indeed need a very  
high degree of probity yet he will recommend himself to a  
people if he has the appearance of zeal for religion all an-  
tient & modern republics have been uniformly animated by  
a common religion our American republic alone are

the renoncement of all public concern for to support that this  
does not tend to the enfractation of morality among them we know  
already & that it will not tend to their enfractation a grandiza-  
ment we will know in a little time the support of a pub-  
lic or popular & exclusive of religion has uniformly been  
a matter of public concern in all other countries in the world  
whatever form of government they adopted but here the  
support of religion is entirely abandoned to the discretion  
of private persons who may either enfranchise any religion that  
they please to support or none at all of they prefer leaving  
without it & the obligation of contracts made for the sup-  
port of religion is not imposed by the law but all payment  
of that kind however reluctantly contracted for on the land  
by law to be arbitrary & at the pleasure of individuals  
on this too we differ from all the world but whether it can  
possibly tend to the enfractation of honesty & good faith in our  
mutual dealings to say nothing of religion the smallest  
degree of attention & experience will easily discover the opposite  
object in every state next to a political constitution are  
debt & commerce with respect to debts more apt to be  
extinguished by their hardness of courage & discipline from  
the very beginning of things all societies of men have  
been uniformly conquerors of the populations of each other  
& prone to seize them by force or fraud as often as they

have it in their power & for the reason no nation whatever  
can be properly said to be in possession of its territory unless  
it is in a condition to defend it against all invaders -  
a militia being generally defective at least comparatively  
speaking of discipline & subordination has been generally  
found quite inferior to regular troops though the combat  
arts were equal in all the circumstances besides a  
militia who have no property cannot be supposed to  
be very zealous or ready to run great risks or dispense of  
the property of others on the other hand a militia who  
have great property are apt to be very tender of their lives  
& according to this & circumstances with respect to meeting  
an enemy men of small property are the most determined  
militia not being overawed by luxury & living in wealth  
notwithstanding that they have something to lose. The  
of new England being so near an equality in  
country fortune & confounded by

turn with the mind now of the wretched  
as a number of them not long ago were rashly emboldened to  
turn their arm against their own country & to endeavor  
to ruin a government that was created by their fathers. Solomon  
says rightly that wisdom is a defense & folly is destruction &  
economy is of the  
duly supplied will enable men in ordinary stations to  
deserve the reputation of their country & to be in their

of noisy Demagogues who never have nor can have any friends except among the grossly ignorant. The want of knowledge indeed induces men to act like unwise children so that they easily become the dupes of artful Orators & but very ordinary parts are used to persuade others to rise in arms & to destroy their own laws & the defenders of their own rights in behalf of a phantom which an Imposter calls liberty with regard to courage men are very unequal & it is not the necessary appendage of any determined character sometimes it is imposed by vanity sometimes acquired by habit & most generally intended to be Hypocrisy & cowards not knowing what true courage is are apt to overdo its appearance & are commonly disengaged from others by noise bragging being conscious of their defect they study to hide forth appearance of a decent contrary disposition & an ostentatious word to be cowards mostly by pretending to have much less apprehension of danger than men who are truly brave but real courage is most commonly the effect of natural constitution many bad men have been eminent for it & some good men have had very little of it. In a national militia when discipline & generally frank & subordinates proportionally weak courage ought to be universal being almost the only principle of union that can be depended upon in such a society & when this is

fatal even to many brave men. During the late war the  
men of America often reflected very much on the effects of  
sudden panic not duly considering the loose & impel-  
laneous materials of which her militia were necessarily  
composed. Discipline cannot be attained on a sudden  
& the habits of obedience which are

The people who

are utterly unaccustomed to obey one another. Hence ex-  
cessive & restive forces are ordered to bring them to a near  
or resemblance to regular troops or subject to command  
men are to be alienated from their industry & from their  
skill & application to profitable arts agriculture indeed  
is justly confidened as the mother & nurse of all the arts  
human. It grieves those who study & practice them least  
agriculture confidened as the sole profession of a nation is  
the poorest that can probably be imagined & the least  
capable of improvement turn up as poor as a country & tole-  
rably filled it has reached its zenith in this respect &  
can go no further under the production of agriculture  
beingwrights & perfumers must either find a market  
or perish on the hands of the farmer & the rise of their  
being only their plenty & sometimes ingenuity almost  
to nothing which is a very melancholy consideration where

Commerce derives its materials from agriculture & manufacture  
the exportation of crude or unrefined materials is bulky & troublesome  
of little profit but the exportation of the fruit of manufacture  
& labour may be practicable in any measure degree manufacture  
increases the value of land & when it is encouraged greatly  
exceeds it in the annual produce thru the land of England  
highly improved as it would afford only a poor national revenue  
even when taxed at £<sup>1</sup> per shilling Commerce & man-  
ufacture are by far the best sources of production a national  
revenue but the rest of Africa depends wholly on the last  
the Indians are not more dependent on the Europeans  
for their foreign armament than blankets & tomahawks  
than any other nation

They want in a cultivated state of society  
it cannot be expected that any one nation will suffice  
wholly on its own product & hence commerce which ex-  
changes the products of diff<sup>t</sup> climates becomes extremely ne-  
cessary Every Nation ought to export at least an equal  
value to what it imports otherwise its wealth must be in a  
constant diminution & its debt must exceed its proportion  
ably

that require a speedy remedy  
Unprofitable acts are numerous in proportion a sufficient acts are  
profitable to the publick returning superfluities may be  
considered as a national resource but it requires a re-

form of another kind - namely, a suitable stock of courage  
which is generally wanting both the soldier as well as the  
knowledge of a people may be considered as an important  
national resource. The political economy

#### Economy of each individual

dealt with - Sumptuary laws have been adopted by many  
states as national resources or defenses against luxury but they  
are generally unpopular & excited a loud & complaint  
of an encroachment upon liberty. Duties on certain

prohibition on equality  
to be imposed upon sumptuary laws but the impelling of  
such a measure when the law has no energy at the  
frontiers of the state cannot be desired. In this case the  
updoom & virtue of individuals is the only resource all others  
reflecting being impractical. There is least any instance  
in history of a nation having ever recovered its liberty  
after having once totally lost it nor of its retaining its  
liberty any considerable time after it was invaded by  
luxury.

as the surest means of gaining auxiliaries of  
from circumstances where the favorable popula-  
tion always keeps pace with the art & means of sub-  
tance  
economy of provisions by which a family may  
be supported at the rates of a country must make

in the very same proportion. Property added by labour may be multiplied to a vast degree & a great deal of it may be produced in a very small space. There are many trading towns in England each of which contains much more wealth

States & the city of London many times more than all of them put together. The want of frugality is common to nations that have no internal reforms. It is only common to industrious & commercial nations when the means of subsistence

w<sup>e</sup>. a family supports very few in number a nation can not become prosperous such institutions as encourage the settlement of families & facilitate the raising of the

growing population

Surely jointly  
charitily or confederate national resources stand most  
especially to population. Luxury indolence Slavery & debauchery are detrimental to it on the same proportion as they prevail.  
Plenty of industry attachment to one's native soil a regard  
to hundred enough hood & above all a regard to mo-  
ral character may be reckoned the most considerable &  
fundamental national reforms with respect to popu-  
lation because they tend to. The soundest & most  
useful class of citizens & to attach them to the place

many Emigrants must after being really poor hurriedly  
become so by that circumstance unless the Emigrants were  
selected by public authority as they were in ancient  
times from those who had the resources enough  
to more

Stand on the other hand a country  
that never many emigrant may quickly become populous  
but a long time necessarily required to make emigrants  
cohabit. of union with each other or susceptible of a nati-  
onal spirit or firmly attached to one another when the  
attachment what a man has to his native country  
will reluctantly turn up by emigration it will never  
return again with the same strength into another

Several ages may be requisite before a collection of  
Emigrants can be properly consolidated into one people  
or conceive any degree of affection for their own country or  
place off above charitable funds or provision for the Poor  
constitutes another encouragement to population & conse-  
quently a national resource some have injudiciously  
claimed these as well as Charitable Schools as trustful to  
industry but when they are not the effect of law  
but of voluntary contributions they are no less resources of  
population than tests of the virtues of the people. Gumbling

destruction of Population & Industry Men are said to be  
rich when they possess the means of defense sufficient accom-  
modation & ornaments richer and more consequential advan-  
tage & can be possessed only by a small number in every  
country because they suppose poverty which is comparative  
in other man not a nation or rich that contains many  
rich individuals whenever men are indolent & possess  
useful arts with judgment rather  
will gradually accumulate especially if industry is  
accompanied with frugality an equal distribution of pro-  
perty or any thing that comes near it is neither  
gradual nor desirable then can be no life or govern-  
ment in a nation without the spirit of acquisition & that  
cannot exist without the practice of useful arts & the few-  
ness

thinking to  
the country next to the prevalence of misery vice &  
disorder as the

justice property & government wealth is a national reform  
because it may be employed in maintaining useful or fit  
useful men & in supplying the exigencies of state & men brought  
to labour for the public a will aforesaid places don't taxes for  
the support of government are a nursery of just & those  
that are called odious or mischievous & why are the men  
nursery in such states when moderate taxes cannot be im-  
posed or levied when property abounds on a few hands it  
may be laid out for the public good especially if  
under a confidence exist among the citizens that  
men will not lend their money to those who do not  
pay it not to be wondered at because a sense of  
justice & of the right of property is a natural sentiment  
which no leading political infidels or even corrupt men  
of manners can ever eradicate from the human mind  
Even fraudulent debtors Robbers gamblers & Bank-  
rupts will consider it a very bad thing that others should deal  
with them in the same manner as they deal with others  
The greatest of such men on a state or to support &  
employ the poor to lend out their money to help that  
are honest to pay neither taxes in proportion to it.

to excite an emulation among the people that by the  
whole industry & frugality they may hope to attain  
to the like success in wealth. The human faculties  
nearly languish when they have no

object of their exertions but when the spirit of their  
nest by leveling laws & burdens opinions & practices  
must stagnate or  
they must turn their activity against one another which  
is most of all to be dreaded in a free government. The  
confluence of wealth may be considered in respect to their  
value & in respect to their price

manufactures constitute real  
wealth when they are greatly above the necessities of  
the possessors money is only the sign of wealth it has no  
soe relation to the produce of industry but when there do  
not exist money from hence to way to another nation  
where they can't be found the last was or soon must  
have brought a vast influx of money onto the country  
but the production of Industry not being

the greatest part of the money has already gone  
to way back again to the country from whence it came  
for the purchase of newspapers or unusefuls. The multipli-

cation of  
into any country or kingdom it on its marche the productions  
of arts will always be sought for at any  
articles of wealth will be computed  
from their real use to human life but their price must  
always be proportioned to the demand & the probability  
of growing them

examining of Confucius for thing cautions him  
against using expensive articles except that might  
be very useful or attended to as it ought not only to  
things but to great multitudes of ignorant citizens

Lecture 167<sup>th</sup> April 1709 —

who cannot pay for them or who scarcely can procure them plus  
with before the tendency which luxury has to promote in  
doleme vanity & insigniancy & to create a disaffection for labour  
industry & usefulness. Indeed the luxurie of the rich while confined  
to them only may support numbers of industrious poor but when  
such luxurie are created by those who cannot procure them lawfully  
the love of luxury becomes a powerful incentive to crimes as well as  
a temptation to treason & may in time prove fatal to the  
honesty of a nation by rendering the citizens incapable of de-  
fending themselves as the use of wealth is to maintain a summo-

date men articles or commodities are valuable or proportioned to the numbers we they are fit to maintain & accommodate only the means of subsistence & defense are truly necessary & all other articles belonging only to accommodation & ornament These means of accommodation which contribute to the preservation of men & to the exercise of their vigor & health are next in value to the necessities of life Articles of mere ornament are of no value at all except when considered as an export whereby to draw articles of real value from other nations The Kingdom of France by being a neighbour to all Europe is a very great gainer by articles of Ornament The production of French Art Steel which an in request every where though England by conjoining with the inventors of her neighbours have now come in for a considerable share of the same sort of Trade but the Trade of Ornaments belongs only to such a neighbourhood

The dutts have gained no little from savages in sundry parts of the world by exchanging the glass beads & other toys of small value for the production of their country but in a wise country sober this useful art ought always to have the

The luxury of a people will be estimated by the degree of their consumption of mere ornament & when these are brought from other countries they ought to be considered on much more rigorous by being paid for either in articles of real use or in money whether necessary for carrying on the commerce of a country within itself abundance of luxury must soon

produce bankruptcy or a want of resources. All these tend  
to encourage industry & to strengthen the power of  
defence. The price of a commodity is measured by the quantity  
of any other commodity that is commonly or occasionally  
given in exchange for it. In Batare which is the most original  
Species of Commerce the wants of the Parties determine the  
quantity of each commodity which is to be given in exchange  
for the other but all commercial nations have adopted the  
use of Gold & silver as a sign of value or a common standard to  
which the price of different commodities might be reduced & which  
might fill the place of such as were not wanted how money is  
considered as the equivalent of all commodities & the constituent of  
wealth but on the other hand commodities are not less the equivalents  
of money & the abundance of any one species whether of money  
or other commodities will buy a proportion in the whole -  
Industry is the common parent both of money & all other  
commodities & wherever it prevails will purchase either or  
both for this reason there is much more money among  
as more goods in Holland than in any Country in Europe  
of course to extent though the nature production being little more  
of its inhabitants but their industry has produced wealth & even  
luxury in the midst of a barren marsh which before again

by the sea the acquisition of wealth or however much more easily  
in an extensive & fertile soil capable of a great variety of fruit  
productions yet even such a country must necessarily suffer  
of its wants in distress. The price of commodities fluctuates &  
changes care with the quantity of money in circulation with  
the scarcity of the commodity with the demand with the value  
of those that consume the article we have already seen that a  
great mass of money in a country such as provided here  
in the unloosed days of Congreſſ paper tend to enhance the  
price of labour & of all commodities what power tell the super-  
fluous quantity is exhausted when a commodity is scarce or  
when great quantities of it are wanted on a particular occasion  
such as arms & gun powder in time of war the price must

& whenever the demand is supplied the article  
will return to former value which is only in proportion to the  
remaining demand when nation or individual have a  
desire for any particular article they will enhance the price  
of it in the same manner as great numbers of people the  
value of all commodities therefore is merely depends  
on the demand the ability of the consumer & the opportunity  
of procuring the commodity articles of ornament are few-  
quently of the greatest price their greater stones on account

of their rarity & their not being subject to decay as will  
an on account of their early appearance have always been  
highly prized by mankind although French & English in  
geniusly has been able to counteract the appearance of most  
of them with considerable success they still retain their value  
even the Diamond mines which the Portuguese have discover-  
ed

shop of the East may they even retain their value  
in the very countries where they are produced. The tea-leaves  
being brought from the other end of the world  
in China & what is their

The ordinary drink of the laborers with the addition of  
a little salt & used mainly with a view to correct the  
bad quality of their water becomes a luxury in Eu-  
rope & becomes a war accidentally the occasion of the be-  
ginning of the late war Commodities that are the effect  
of laborious time & cannot continue to be sold for  
less than what will maintain the workmen & pay the  
whole of his advance. The ancient Greeks from an En-  
treprenurise of Jaen would often spend whole years  
in making a single statue other painters were also  
noted for the slowness of their progress on their works but this  
circumstance as well as the costliest taste a amazing sum  
of their artists stampied a great value on their productions.

The Volcain are the only artists among the moderns  
that can be compared to th. Antient wth respect to yr  
Imitated the

one must be such as will indemnify the artist for  
the exp of so much time & trouble & encourage him to  
employ himself further in works of a like nature  
of all the production of Art & Industry the works of  
men of learning before the present Century were of the  
smallest & one of most poorly regulated before the Statute  
of literary property in England with the reign of the late Queen  
Anne Authors had little or no reward for their productions  
which they communicated to the publick

only 15<sup>d</sup>. for the final  
addition of his works on the other hand the late Mr.  
Volcain often sold the same Work under 4 different titles at  
high prices to four diff<sup>t</sup>. bookellers at the same time for no  
offer nothing d<sup>r</sup> he may be truly called an enormous  
author because the greatest part of other authors I have been

overreach them. Some printing & Book selling have  
been gainful trades knowledge has indeed been more diffused  
fraternalizing & a general attention to learning has indeed been more  
enlarged but still & simple knowledge has since that time

become every day more rare. The most valuable production, which have contributed most to the good of mankind have brought no profit to their authors. Horace indeed speaks of good Books as sometime even money to the Booksellers but he seems to have had no idea of their

"We

"What man profit

Leverring has indeed been very little improved since it became a trade Mr Hollaine indeed realized a fortune of more than £ 5000<sup>L</sup>

tried what he could in getting them off at his  
buying great sums from custom of distinction in different  
countries by way of subscription for his Books which how-  
ever he never furnished but left the Publishers to buy them  
when they pleased the sum that he received from foundry  
Prints likewise contributed greatly to the increase of his for-  
tune. Come to addition of the Clapier & other ancient

Holland

Aranu & the Republic of Venice of leverring should  
encourage to grow in this country the business of print-  
ing & Bookselling might come to be of considerable

which it would afford to an ingenuous & benevolent mind  
to furnish the inhabitants of this under extended country

They can maintain so the cost of a commodity may be often  
reduced by the number & time employed on producing them  
The wealth of any country is in the compound ratio of its na-  
tural advantage, the industry of itself of its inhabitants & the  
gusto of trade but of this of the full industry of the  
inhabitants is of the far greatest importance among many  
countries which possess great natural

Spain & a great part of Italy  
as well as the whole of Greece are now very poor thinly  
inhabited & ruined though they were the principal cities  
of antiquity were a industry in former ages. Tyranny  
has generally been fatal to trade accordingly we find  
that Tyre Carthage & Rhodes when commerce flourished  
domestically were free republics but property  
must be given before any nation can settle apply it-  
self to it.

The inhabitant must only be excited for they  
will not refuse to labour when they know that they are  
labouring for themselves that their wages will be paid to  
them & that the fruits of their labour will neither be torn  
from them by a lawless thief nor by a bloodless Banditti  
The English tradesmen generally have plentifully have  
great gusto

Wher our fault or how they do fell them they get their  
owne grue but they have no reasen to fear that any Body  
will disprise them of what they have earned won thys who are  
much richer than their neighbours natural advantages are  
goodnes, of Climate fertility offord a plenty of useful ma-  
terials thidstly & shall comprehend all useful art, agri-  
culture & manufature in all their branches Blaten  
ha. left room for art & industry & even in the realeft  
Country whys an necessary to growen the suffis. & accom-  
modation as well as the defences & ornaments of life  
Paulus tell us of an antient nation in Germany whom  
he calls the Penni who had neither art, cattle nor  
horses their whole pess. were even their Bows & ar-  
rows whch they pointed with bone for want of iron  
& they lived on wild game they had no sherrours yn  
the woods & yet they valued them fitter greatly on this  
happyness liberty & independency & that they did no  
work except hunting for their provision "Vnde locutus  
arbitrante ab

domibus  
per aliosque fortuna, se in te que curari  
Suum aduersum homines suum aduersum Deos."  
Such a people having no property had no reaon  
to dread an invasion & they enjoyed their belov'd

that the Hebrews who was an Egyptian Monks  
that it was not given in the power of th. Gods to make  
them more enlightened than they were already. It is very  
proper for you all to consider the state of such nations as  
theirs that they may learn to value art, & civilization

<sup>M. Boucian</sup>  
recommends the reading of the history of Hobbinon Cesar  
for the same.

Romanus extracted the ground work of it from  
the paper, of Alexander a Scotch Seaman belonging  
ong to the of Commodore who was left by  
accident 3 years in the Island of Juan Fernandez in S.  
America

1744 he one day saw many Goats that  
had ear marks & consequently

the companion of the history of any one country upon the in-  
troduction of the arts with the state of the same countries of  
which introduction will likewise have a picture

of Glasgow  
which is now highly cultivated & commercial & contains much  
more property than the whole of this state was inhabited when

It Century by the Ottaloti a man of Carabata  
the Shepherd re-  
sides that the flock in this same manner this country  
lately the abode of barbarous nations has begun to af-  
forn the appearance of civilization & to profit from of  
the production of Art It ought to be the endeavour of every  
man of his country to improve its products

The will of  
the Art. a little more industry & unanimity a little  
more morality might free us from our difficulties  
by recovering from the loss of character in America  
in a short time might become a very happy country &  
possess a reputable rank among the Nations of  
the world -

Led 16<sup>th</sup> April the 15<sup>th</sup> 1709 -

The profit of Trade is the profit either of the con-  
sumer of the produce of the merchant or of the State the profit of the  
Consumer consists in having supplied with necessary or useful com-  
modities the profit of the producer consists in the want of profit in  
the profit of the merchant consists in the balance remaining  
in his hands after he has paid costs & expences the profit of the  
State consists in the increase of wealth or the accumulation  
of commodities in the possession of its members now no trade  
or party breaking ought to be encouraged which is not pro-

plable or some tolerable degree to all these articles but of any kind  
of Trade can contribute even to the profit of the merchant singly  
it will be carried on however hurtful it may be to the other per-  
son because merchants will always import what ever they can  
sell to advantage now the hurt to the state in these cases  
is done by the consumer of such commodities whose custom alone  
can encourage the merchant or make it his interest to import  
them it appears indeed to be very ridiculous though we daily  
see numbers so enamored of it that these people complain of  
the importation of foreign luxuries who are themselves very guilty  
of encouraging the importation of them in the most effectual man-  
ner by buying & consuming them If men had only virtue & re-  
solution enough as many in the country one need be sign an  
agreement of non-importation & non-consumption with regard to  
all such articles as are known to be unnecessary & ruinous  
they might then with some decency complain of the encourage-  
ment that luxury meets with among us It is true that  
among industrious nations the less that is consumed by the public  
be on one article may sometimes be balanced by a greater  
gain made upon another thus England E.g. imports many  
articles from France Holland & the East-Indies that are use-  
less & hurtful to the public but the vast quantities of com-  
modities which it exports to all the countries of Europe espe-  
cially to this country greatly overbalances the loss that is

justly paid before the other articles & many even of those  
useful articles by being reexported are exported by common  
rules of naval utility but a country like this which  
exports so few articles for exportation or transports  
its imports cannot afford to deal in any dangerous com-  
modities & ought not to expect that imports of this kind  
can be balanced by profits on exportation because all our  
articles of export are yet fall short of being able to supply us  
even with what may be accounted necessary but if we could  
produce commodities in such plenty as affording ourselves  
could produce a surplus for sending abroad the profit  
in that case would be acquired by the producer when we get  
cheap foreign commodities we ought not only to consider the  
original price of them but likewise that of Passage  
Provisionage, Portage, commission, insurance, Duties,  
Freight, Domestic duties, the profits of the Merchant, & the  
profit of the master for all this latter must necessarily be  
added to the original price & it has been demonstrated by  
the calculation of intelligent Merchants in this Country that  
the sum of all these additions to the original price amount  
to a great proportion of the whole & at the lowest to 25  
per Cent. even with respect to the least bulky commodities  
from this it is quite certain that good manufactured in this  
country must necessarily bring 25 per cent more profit  
to the Domestic Manufacturer than goods sold at the same

power from abroad could do to the merchants because none of  
these charges are added to their goods which are necessarily  
included in the price of the others. The principle of Commerce  
is exceeding plain & obvious in themselves they demand only  
attention & calculation. A may be made evident by the very  
meanest capacities. It is a melancholy observation that the  
people of the United States have rendered themselves to great power-  
ly both with respect to property & credit not from ignorance  
of publick maxims or want of acquaintance with the  
mysteries of Commerce & Politics but from an execrable  
lack want of attention to the plain & well known Arith-  
metic & accountings that certainly might have been as  
obvious to them as to any others among mankind. It may  
perhaps surprise the inhabitants of this country to be told  
for certain that we find their independency by this  
our choice they pay or rather they owe for our conquest paid  
a much greater proportion of the British Taxes than Lord  
North w<sup>t</sup> ever have demanded of us by means of the ex-  
traordinary encouragement which they have given to the  
Trade & manufactures of England to their own hurt. It is  
however melancholy to reflect that a people may some-  
times be more hurt by being left to themselves &  
their own unjudicious conduct than by being at the will  
of their enemies for purely the English merchants &

Traders must charge the commo  
which

on this  
expectation so that we as the consumers offish are  
modest, in the people who really pay these duties now  
we do not say by any means that they ought not to be  
paid because they have been foolishly thoughtlessly  
incurred far to push a thought from every person of honor  
certain but we only say that we ought not to have an  
obligation to pay so vast a proportion of the British taxes  
by purchasing so enormous a quantity of their commodities.  
Men who practice frugality & uprightnes in their fami-  
ly & private transactions do not need to be told what are  
the principles of rational commerce because every man  
of sense knows them already & daily practices them  
in his transaction with his neighbours by buying no  
more than he needs by paying for all that he buys &  
by using as little as possible of what is imported from abroad  
& by living always within his income now these few  
maxims which are obvious to the meanest understanding  
might have been a vast mine of wealth to this coun-  
try if the colonists had only been wiser enough to have ob-  
served them & as they are so very plain the neglect of  
them cannot be attributed to ignorance but to gross  
indifference shoddish thoughtlessness or deliberate pur-

proper of importation. All articles of Trade which ought to be  
encouraged ought to be equally profitable both to the  
exporter & the importer of you mean a Trade that  
is hurtful to other nations is not likely to be long con-  
tinued & a Trade that is hurtful to ourselves ought  
neither to be permitted nor encouraged but on the contrary  
ought to be charged with such heavy duties as might  
be equal to a protection with respect to all articles that  
can be produced by our own industry. The state is profited  
by every kind of Trade which is all to be as light as  
possible without being hurtful either to the purchasers or con-  
sumers when gain is accumulating to the members  
of the state the state may be truly said to be a  
gainer because the wealth of the citizen is the nation  
all revenue of the state & the property of the citizens  
is depended by means of good government & that which  
must pay for its own defense but the frugality & virtue  
of the citizen & the accumulation of their property by  
that means is the greatest of all national resources &  
to us would be equal to the profit of a most gainful trade  
"magnum reutigal op parsimonia" without this re-  
source even all the industry of the inhabitants of  
Holland would never have been able to have suppor-

led them fast & I have rayed them to that end  
sence of wealth

relations Common by accounts dealing all  
parties with what they want in exchange for what they  
can spare enables & encourages them to mercantilise their  
produce for a profit is the only end of labour the gro  
bal profit of profit must be the chief encouragement  
to it nes if a labourer knows that his work can be  
sold to advantage either at home or in a distant coun  
try he will be equally encouraged to labour in both cases  
without the assistance of commerce vast quantities of ma  
ny commodities could penst altogether & be quite useful  
to the produce of them but articles that are produced in  
great plenty will afford a surplus to be exported other  
articles that are scarce in any country may be sup  
plied from a distance & paid for by the surplus exor  
ted the effects of commerce on the division of the pro  
fit of nations equally by supplying every one w  
the superfluous of every other & on this manner grows  
the most general movement to labour every where so

supplied otherwise & many commodities are produced  
that would have gone to waste & become unuseful  
without export to the state commerce or rather international or  
foreign International Commerce is the exchange of commodi-  
ties between the subjects of the same state Foreign Com-  
merce is the exchange of commodities between the sub-  
jects of different states In states which pos-

<sup>sess</sup> <sup>the</sup> <sup>supposed</sup> of industry the internal  
commerce is of much more consequence than the foreign com-  
merce because the importance of foreign commerce always  
diminishes in the same proportion as the territory of the  
state is extended thus China is a large commercial  
country & before it was discovered by the Europeans  
cost nothing at all from foreigners but supplied wholly  
& indeed plentifully on the products of internal commerce  
together with that industry for which that nation has  
always been remarkable they throw only I mean to  
the rest of them a paper on the East & their maps  
of the world before the arrival of European among  
them contained only their countries at present they only  
brought little here were cloths worth a silver plate from  
the nations of Europe but their internal commerce

is so considerable & its returns so questionable numerous that  
in many places of that Country a man may  
prosper at each time

because the country is cut by canals & navigable rivers  
& as many people are supplied water on the water as on  
the land though there cities are numerous & populous  
beyond every thing in Europe the Americans supplied by the  
United States can bear almost as great a variety of soil  
& climate as Africa & with equal industry might  
reap almost as many conveniences

their several products  
of they do give over their attention foolish jealousy & political  
quarrels & exchange the unproductive benefits of collecting  
laws & constitutions for the rational care of their true &  
proper interests their numerous rivers & bays might then  
be of immense consequence to them & foreign trade might  
become comparatively a small object but their unhappy

friend & animosity at they have occasioned have  
not only hurt their Union but their property & interests  
an amazing degree & prevented many improvements & ac-  
quisition of property that might have been made already  
it is exceeding lamentable to observe that a navigable

was given up because it joined two states & each of them  
was afraid that it would have been for the benefit of the  
other now while the mind of man was in this situa-  
tion they made scarcely talk of Union as they can not  
entirely fit it but appears rather to have a spirit of hos-  
tility to each other unless common between dif-  
ferent nations may be confidit either in respect to  
the balance of gain or to the balance of value

difference which is supposed to remain due by the one  
nation to the other after applying the whole of the goods  
that have passed in exchange between them but the bal-  
ance of value is the difference of real utility or the  
whole good that was paid in exchange the profits  
of foreign commerce ought to be determined by the  
balance of value & not by the balance of Price  
in some particular instances the nation that has  
the balance of gain against it may have the  
balance of

of defense or improving its lands or ex-  
tending its trade or other national advantage in  
exchange for articles of luxury or matters of mere

accommodation ornament In general foreign Trade.

that is where  
the balance is in our favour but it may sometimes however  
be necessary even when it is not profitable because the  
value of bullion or will be of private economy present  
the purchase of merchandise even at high prices when this  
can be compensated either by expectation or nonconsump-  
tion of bullion. The error only lies in continuing  
a foreign trade when it is not necessary & while the bal-  
ance of value or gain or against us for if we do it is pro-  
per that in any case we should give more than  
its value for any thing whatsoever it must be only  
for ourselves. Thus those nations who in their season  
purchase grain or other articles of consumption from other  
nations may be said to be gainers by having  
their wants supplied tho' the balance of Price may  
be against them but in respect of ordinary perplexity it  
would be quite impossible contrary to the inter-  
est of the agriculturists of these nations to import  
grain or provisions at any price however low these  
nations which have little or no grain such as  
Denmark of old Holland Norway & the West-India

may enable them to import grain especially from other countries the Dutch import such quantities of grain as not only to supply their cities but likewise to have a great stock always on hand for exportation & any place where it is wanted the fish oil & wool of Norway together with the industry of the people & their national probability will enable them to import grain from Holland & the North of Germany but those countries whose people are able to export no grain must always be poor unless they have a fixed market to which they can send their goods by being in communion with some nation or country where no grain is produced but when this is not the case their profit at best must be irregular & temporary as well as generally small & if the market is at a great distance their profits must likewise be very uncertain & greatly depend on the changes of exportation especially by  
imported & the cost of exportation & it is a great loss indeed that the people export of the middle states & grain which now that the West India Islands are shut against us has so uncertain a chance for a

most but & no chance at all for an uniform & pro  
per one the man grain therfore that is raised in this  
country the less always

manufacturing

towns were enabled to consume our produce at home, &  
to furnish us with such goods in return as we now  
buy at great disadvantage in foreign markets which is  
from a mighty advantage not only by the great rewar-  
d by the farmer but by saving the expences on a  
bulky commodity because in our exportation many

spend the third part of the value upon the land carri-  
age of these produce which reduces their profit to a trifl  
e proportion to nothing at all when they receive payment  
in foreign goods & contribute to put the roads of com-  
munication the nation that over the balance of  
Price in any foreign commerce will be obliged to part

thereof at Trade on which a constant balance  
of Price is maintained as in our Trade with Gr. Britain  
cannot be continued unless there be a continual sup-  
ply of money flowing into this country  
commodity produced in this coun-

try  
now the balance of a continual Trade of this kind  
must be continually increasing

~~Debt~~ amount of the  
Debt which the Country owe to England

at pres-  
ent but the general want of authority & order & the

impracticable at present among us it is compelled  
however by foreign nations when we cannot hon-  
or debts amount from being honour & must now have  
unjustly such a sum as must give the greatest con-  
cern & affliction to every lover of justice & of his  
Country

The internal Trade of a nation or the Transactions  
of fellow citizens with one another for the supply of their mutual wants  
requires such a quantity of money in circulation as may be  
sufficient for carrying on these Transactions but of by the ad-  
ditional balance of a foreign Trade in luxuries and other commodities  
at home & the money that ought to have been in circulation  
is sent abroad in this case all the Transactions of citi-  
zens with each other must either cease or be managed in

the means of Barter in the same manner in which they  
were before the introduction of money now this would prove  
it <sup>diff</sup> <sup>unless a man could always</sup>  
have a <sup>load</sup> <sup>wag</sup> or a drove of cattle along  
with his road

No blam the Merchants for paying of

foreign debt in money when they cannot pay them otherwise  
for want of marketable articles or established produce. None  
of them only ought to be blamed & punished too if any  
law for that purpose could be obtained who villainously defrauds  
their enders & either makes no payment at all or else such  
complaints

as an an insult or all of

the commercial honesty. The practice of ship chandlers  
who buy foreign goods upon Credit & then sell them at vander  
tizing price so it ought to be treated with the utmost severity  
& punishment because those who sell in this manner cannot  
possibly even propose to pay their debts, but merely to get  
money into their hands in order to trade on certificates  
or to conceal it from their enders by laying it out on lands  
whether by a fraudulent or villainous law are protected from  
the claims of foreign enders. If such practices as  
these are not quickly abhorr'd & publicly execrated

trusting in a general internal Trade must become impracticable  
as there will be no probability of reflecting shamefully, however,  
when it can

Elizabeth  
of England

that she could do one  
thing more than God Almighty & being assured what that was  
she resolved that she could not suffer the inequality by a law which  
indeed she could do with ease as the Privy Councillors of Parliament  
the Liberties of the people of England were in men's hands  
in her reign but it is not to be supposed that such practices  
are confined to absolute sovereigns or the contrary we see daily  
that ignorant persons & mean spirited men when they find  
themselves by the folly of the publick exalted to the capacity of  
legislator & possessed of absolute power are ready to abuse  
it to the purpose of injustice as the most absolute sovereign  
that we read of in history the produce of lands is a  
continual & may be made to a certain degree an increasing  
supply but the profit of land depends entirely on its culti-  
vation & the sale of its produce for if land is either not cultivated  
& cannot be cultivated unless at an expense greater than its  
produce it is of no value at all if when it is cultivated its  
produce cannot be conveyed to a merchant or sold to advantage

it must be suffered instead of being granted to the proprietor  
the benefit of populating upon barren land or leasing.

is only a species  
of gaming under the name of Trade & greatly hurtful to  
the filling of a new country because as the settler does not  
live from the state but from the master he must come up  
with one of that he must either give up hope of getting

and to himself or to the master for one generation at  
least on account of the commodities given that he engages to pay  
to the master now that may be properly called moderate both  
in respect to the slender abilities of the settler & to himself in  
respect to the title of the master who has not been the benefi-  
ciary of the soil & who has no relation to it whatsoever except that  
imaginary interest may be formed by a rough & ready up  
on paper or a little writing upon parchment last of bar-  
ren land over to be

forfeited if it was not settled in 3 years  
the interest of the master might in some measure be reconciled to  
the interest of the publick as the master by this means would  
not have the power entirely in his power but leaving his  
Patent friends except if no other offer he might be  
induced to accommodate the settler at a reasonable price

mode of transmuting & purring landed property might have  
easily been effectuated in a new country especially after it has  
been emancipated from foreign jurisdiction

System of laws or a num-  
ber of such ordinances as might tend to the interest of those who are  
in power but the acts of bad men sometimes at least prove hurtful  
even to themselves if the jobbers were obliged as they ought to be  
by law we mean by the execution of the law as such a law

be keepers by their grant lying upon their hands or by the point of  
Emigration taking a different turn from what they expected or the loss  
of a community of goods or an equality of property ought to try them  
of all their acquisitiveness no man indeed ought to be hindered from  
possessing as much land as he can pay for or as much as he  
can fitly & properly for the Benefit of the public but the Waste  
land of the State being a national usf ought not to  
have been

who under the present wretched system enjoy almost all the profit  
arising from the sale of them but to be deprived of solely for the public  
Benefit of the state the produce of mines or the importation of money  
may likewise be continual & metal may lie over the people or  
part of some Countries accordingly Sweden falls off in a great  
degree by the export of Iron & copper &c th. Spanish & others in  
One may be said to have gold & silver for their staple export

as the mines of these metals though liable to decay & capable of being exhausted are notwithstanding still discovered in such numbers one after another in the country where they are found that when one is exhausted another is immediately found

" Uno ab.

"

metals  
And altho' the working of these mines by slaves is painful & expensive & the  $\frac{4}{5}$  part of their produce which is paid to the King of the mines through prof of the ore or some of them other discovery of mines of quicksilver in the same country enables the adventurers to continue the Trade & to make regular remittances to Europe it may indeed be reckoned truly surprising if the celebrated gold mines of Andalasia which were the pride of the Sybarites Thessalians & Carthaginians are now entirely lost but indeed it would be still more surprising if they had been found because in reality they have never been sought for by the Spanish Court observes a broken tract from which it is not to be moved

merely but  
it would be dangerous for any other nation to adopt the same maxim not having the same resources now al-

through

United States it is by no means certain that they are without them but of natural philosophy & Chemistry were carefully cultivated among us & the land was in the hands of enlightened & industrious proprietors it is, undoubtedly true of more value both to the public & to the slaves than it is at present of the Indians when searching for cattle on the hill of Cotopaxi had not accidentally slipped the end of plow over that ad hand to the slave what he took up it would have been a question whether Peru had contained any mineral wealth on this country.

Spirits & as there abounds in many places & as bad whisky always contains a small quantity of flour & said to have been deposited on some parts of this state this country cannot be said to be destitute of mineral resources & how far or to what degree they are improducible can be known only by experience nations who carry on any part of their internal trade by Bills of credit and proportionally less supplies of money the use of Bills of credit in articulate lands to extend credit but this is either useful or pernicious according to the use that is made of it is useful to an industrious & frugal people but it is pernicious to the indolent the

Thoughts &c. &c.

The use to be derived from circulating Bills depends on the Credit of the acceptor & credit depends solely on the confidence which the citizens have in the honesty of one another

well founded Bills of Credit may be issued to any extent that they are demanded because all Honest men will never borrow what he knows that he cannot pay many Branches of Trade & manufacture may be carried on by this means that cannot be undertaken otherwise but if the citizens have no confidence in the honesty of each other they must trust at an enormous danger or else on the expectation of recovering by law all paper circulation must be suspended at such a time & on such a party because the consequence of being sued must be a great certain loss to many poor innocent individuals state paper money is a curse

To this

has never yet been fortunale on the cap. th. legisl. & acceptor of Bills are by no mean. on a level

for them & the states being sovereigns may either pay them or not or they do not & they cannot be sued at law through the short & sudden & clear bankrupt immediately after receiving

' to a considerable degree by State paper money as fully  
it cannot be denied & is impossible to oblige the State to  
make payment of them which cannot be derived otherwise  
than it must be

State money any more. Signation of State Bills what-  
ever colour may be put upon it, but another name for  
speculating & neither the person who enacts or the signa-  
tor nor the signers of the Bill which is suffered to do ex-  
ists can in the nature of things be honest men but  
the person who copies by it may be honest & generally  
is so because that Friends are commonly apprised of  
the Schemes of one another & rather can believe them.

plus in time. If in some of the State Papers money passes  
equal to gold & silver it must certainly be a maxim  
in this State that both the State & private persons  
ought to pay their debts without shame shuffling or  
diminution. If any number of Citizens can have confidence  
in one another they may assist each other so far as that  
confidence extends but it must be entirely unusual to ex-  
tend Credit to those who are not to be trusted in a state  
of this kind and can exist no longer because it must

always be in proportion to the belief that men have  
of the honesty of one another no artificial adequate  
 remedy can be devised for a want of confidence because  
 there cannot possibly be any substitute for honesty in  
 the nature of things the ability of men to pay is  
 found to be very frequently at all a mortgage may  
 be a full & uncertain security in some cases & partly  
 in other situations therefore being in a state of war must  
 feel the want of material confidence for some time  
 & from our own will suffer very great inconveniences before  
 they are convinced that honesty is the best policy the  
 expense of remitting money from one country to another  
 remit most money must pay this expense

so as to make profit by it it does  
 not follow from the state of exchange that a nation is either  
 gainor or losser by that. but money that is sent away to pay  
 debt cannot be paid to be sent for profit so therefore the ex-  
 change in the case which for certain a loss in Trade on the  
 part of that nation which is obliged to remit the money de-  
 pending on diminishing or well accoutering the current coin  
 or high value in England but in this country on the

have a premium equal to the difference of its original value  
from that to which they sink it & a dealer of this kind  
may either obtain the same premium for as much more  
of the same money as he pleases or he may even raise his  
Premium by a farther diminution till of real money even  
less than the account it would be totally unjust to be a sign  
of value from arbitrary Premium indeed when in great want  
I have denominated the value of their coins by proclamation

for me value Louis the 14<sup>th</sup> the late King of Prussia  
both had something of this kind but it was refined for  
the Congress of 1803 just lately to commit the most extensive  
fraud that is extant in the records of the rau-numeraria  
Extremis naturally run into one another & liberty has its  
Paroxysm either tyranny or will or despotism  
of those men

who abut its name yet the Bills of private persons who  
are honest will continue to pass even amidst the wrath of  
public & private credit a great price.

neither foreign nor domestic Trade can flourish where credit  
is extent & men can have no confidence in each other  
such a case indeed has seldom or never occurred in the

history of mankind so that it is impossible to say  
with certainty how many will it may contend or inflict

Albute 70<sup>th</sup> April the 14<sup>th</sup> 1709.

The art of Trade on either mutual or parti  
mutual or so far as unmoral accommodate all parties with what  
they want in exchange for what they can bear & enable every party  
to improve her quicke materials & to pursue her unclear art &  
what is given to the merchant & carrier an adequate reward  
for their trouble common consider all mankind as one family call  
the world as their estate & inheritance so that it reigns in  
every country where it prevails the advantages & commodities  
of every country on this Globe whenever any thing is produced  
in abundance common convey it when it is needed & whenever  
any thing is wanting it can supply it by consulting different  
nations in intent it concern the distant Part of human  
Society & has contributed much to the diffusion of Knowledge  
& of the Arts of civilization By discoursing the mutual inter-  
est of men it removes the jeffish & foul affections & engages  
men to do good to one another even when they seek only  
their own profit The dangers & inconveniences attending loan  
and navigation & the rarity of correspondence by Sea  
rendered the profits of Trade very great in early ages & the

By men who worth the rest & vanquished by keeping their own  
parts monopolized to themselves the commerce of Tin from  
the Scilly Islands as well as the rest

men of Andalufia the Carthaginians who were a Colony of  
Byzants followed the Strait of their Country over & became  
the first trading nation in the world after the destruction of  
Tyre by Alexander the argonautic expeditions

to have been a real

transfation though the true nature of it is much offend by so  
far from an of opinion that the Golden fleece was only a chymical  
secret ameaning a receipt for making gold others again imagine  
that it meant only an excellent traid off gold which the Argonauts  
wanted to growne others univer A to have been a method of gathering  
gold dust whick Gheians

of the ~~Chafe~~ Three Phasis before the great  
rains which when afterwards beaten out found to be of Gold by  
the number of Particles of that metal which adhend to them  
The Bull which had brazen hoofe & which breathed fire from their  
nostrils as likewise the wretched Dragon appear to have been  
men costute figures expynsive of the manysde Pains & tynes  
of that creature as the like fabuloue circumstances whch are  
reported concerning the jordens of the Hesperides excepted allegori-  
cally the great difficulties attending the navigation to the  
western coast of Africa It is probable that the ancient  
seamen & merchants invented a fayld they fayld

Ronis both from a view of calling their own prowess & like-  
wise for deterring others from deriving their profit by following  
their trail after the early navigators had vanquished this first  
error & were able to perform the dreadful operation of doubling  
a headland or crossing a Bay they became gradually more expert  
& adventurous though they did not boast of their courage so much  
as they did at first. Their knowledge of letters & arts was  
communicated by the means of Commerce to all the Nations  
that border on the Mediterranean See. The red sea was likewise  
navigated in very early times & the expedition of the Fleet of  
Solomon & long afterwards that of Cambyses seemed to con-  
firm the ancient Eastern tradition that the Isle of Seilon was  
full of Gold mines tho' this belief Sumatra should be the real —

Nation, that was founded by the first navigators could  
never be warlike expedition & was as well a commerce has con-  
tributed much to civilize mankind. Barbarous nations could not  
at first comprehend the profits of commerce & that they chiefly  
gained by a coast knowledge of the Ship, the Letters the Arms  
& the Art of Strangers & tried to extirp their faults &  
taught them by degrees to improve the advantages of their  
neighboring countries. In modern times Trade has been  
frequently connected with conquest & power are now

much more jealous of advantages in Trade than they  
were formerly of honor

but yet less

of civilization Barbarians by conquest or imitation of the  
Antients the moderns have generally endeavored to  
exterminate or subdue them that appears to be a sort  
of grandeur in all the undertaking even in the  
worse view of the Antients

contemptible in comparison with

the "Terra males horribilis nunc general adaeq[ue]tissimus."

The Antients

of soul to defend to the minute  
means of the Slave-Trade which is now almost monopolized  
by a nation which boasts with some justice of being the greatest  
nation in the world off would be hard to discover a nation  
among the Antients barbarous & mean enough to have been  
guilty of such

Mexico & Peru perhaps some of the inhabitants of  
these States may in future times be chosen as the instruments of  
Providence destined to avenge the massacre of the Mexican &  
Peruvians upon the dependants of these murderers

near 300 years

so common which is mutually beneficial that party gains  
most who uses the most useful commodity or who refines the  
product of much land to men labor in exchange for the

product of life & who in conducting his Trade is employ-  
ed in the unhealthful & least corrupting occupations  
In many cases it is hard to say which nation gains most  
by a mutual Trade This indeed has such a tendency to  
enrich both Parties that Grotius is of opinion that a refusal  
of Trade is a just cause of war with any Nation as  
standing directly in the way of the improvement conser-  
vative of mankind but those likewise may be said to  
gain most who are not corrupted & corrupted by the  
articles which they import the importation of Gold &  
Silver has degenerated the Spanish Colonies of their An-  
cient valour & auberty to a very great degree into squalid  
or jaded liquors an liquor a species of Trade that  
is not to be counted a bad nation who sell useful articles  
to the vassals in exchange for Tobacco

the Tea-leaf is  
supposed not without great reason to have contributed to  
inflame the nations of Europe & to have occasioned all  
those Tribes of nervous disorders that were hitherto unknown  
to the Ante-natal the General Disease which the Span-  
iards imported into Europe from the West Indies was the  
most unfortunate return of commerce that we any  
where had of & has now formed itself with the vices of  
men into almost every part of the human world

have found it among the savage Tribes. The small Pox  
was always an unfortunate importation introduced by com-  
merce. But authors are much divided as to the place of its  
origin from affirming that it came from Africa & others from  
Arabia. The Plague likewise has been an Article of commerce  
& by the laws of all the Trading nations in the Mediterranean  
all Ships from the Levant are bound to ride Quarantine to  
prevent the importation of that contraband commodity but  
the vices of Europe which have taken root in Asia & America  
may be said to be the most unprofitable of all the effects of  
commerce. The first Settlement of this Country was begun partly  
with a view to commerce & partly for the propagation of the  
Christian religion but neither of these ends appears to have been  
much attended to although Pope Alexander the 6th by a  
Papal Bull

conferred to the crown of Spain upon condition  
of their propagating the X<sup>th</sup> faith.

in this way than any others especially  
of all include the labours of the subjects finding valuable medicines  
which are produced in the East Indies are the only useful article which  
the Europeans have to compensate for the many goods  
which are imported from the same country with regard to some  
particular countries. This has been considered as a Problem whether

They have gained or lost by becoming acquainted with commerce

strongly in the negative. The same may be said with full certainty of the inhabitants of Africa & India often to say nothing of the Mexican & Peruvians. The spirit of Trade is said to be partial when things of value are exchanged for things of no value as in general of the instances already mentioned the following are the general laws of commerce which are founded on the preceding considerations first that when profits are mutual commerce ought not to be restrained by either Party. The Princes of the world would be confidit commerce as a to restrain it at their pleasure.

thus West India Islands in order to confine the profits of that trade to their own subjects & deprive them of an opportunity that the spirit of revolt might be kindled on the Islands by the conversion of an independent people who were once on the same condition as themselves which might be very hazardous in case of any future war with France or Spain. Some conquests or dominions have been so

left by nature has been greatly influenced by the jealousy  
of nations & was the jealousy of offspring of the Dutch that  
built the Navigation of the Scheld

famous treaty of Münster. An like man  
nor the jealousy of the Burghers of Danzig as  
of the Vistula to the subjects of

Pufna & the same last principle has moved the Court of  
Spain to start the Trippeship against the inhabitants of  
the states. Mr. Pitt's vision of many French articles in England  
almost of all the manufactures of England in France arose  
from a like principle which now seems to be overcome in a  
great measure by the liberal spirit of the two nations at  
present commerce depends entirely upon treaties which are  
dictated by views of personal interest & explained & executed  
according to the pleasure of that Party which has the great  
favor of the law of Trade or that if it terminates in

giving away the means of accommodation & self-government  
in exchange for mere ornament & it may lawfully restrain  
ed by the losing party but the laws of Trade in odd terms  
have become greatly subject to those of Policy nations have  
confidence

of a Trade & in all that laws & regulation of  
Trade have shown a much greater anxiety for preserving

the dominion of their Colonies than for governing the interests of their subjects. The most common  
a duty as equal to a prohibition but  
other than or a popular entediction may be safely got  
over by those who enter on a contraband Trade so as  
depend only upon the moderation of the subjects to the  
articles which they import. The 3<sup>rd</sup> law is that monop-  
oly an enormous to common importations with respect to  
the great interests of mankind but this has been  
much altered & often departed from by the policy of various  
Queen Elizabeth  
company<sup>only for</sup> a limited time as monopolies were

that Company have enabled  
them to find means for continuing that Charles Stuart &  
the present King of France & Dutch have adopted  
the same policy & an opinion has now prevailed among  
States men that a trade to very distant Countries was  
better in the hands of exclusive companies than of general go-  
vernors. The English & Dutch East-India companies have  
now become great Asiatic powers though perfect in  
their own country. Thus governors live with the slender  
of eastern empires.

by majority of the growing influence of whom in  
that country has now rendered it probable that these

cannot keep all their corporations on Asia Monopolies within  
a regulation as still more enormous than monopolies of foreign  
Commodities. Mr. unfortunate King Charles the 1<sup>st</sup> was so very  
fond of monopolies at least of the money that he got from the  
purchase of them that almost every article of life was mo-  
nopolized in his time.

are all the internal monopolies that are  
now permitted in England &c. practice of corporation or mer-  
chantile gaming which used to engross particular articles has  
not only introduced the enormous trade in stocks but even many  
unhappy articles of life have been reduced to a monopoly  
by the joint practice of a few merchants who proposed to  
make a sudden fortune by a quarrel in the price.

Lecture 16<sup>th</sup> April the 14<sup>th</sup>. 1799 —

The 14<sup>th</sup> law of Commerce is that the state of  
a nation's wealth

of its copper granaries or warehouses at any particular  
time but from the property of lands & from the numbers & quality  
of industry & skill of its inhabitants accumulation or increase  
of property is the object of industry & commerce. In ancient times  
whether from greater ingenuity or from higher profits of trade

or perhaps from a neglect of the practice of putting out money to entitle both states & general person of their perfidious & perfidious treasurers or hoards of money or other precious commodities which were reserved as the source of great and enormous ornaments of delicate riche plate furniture pavilions pavilions & habitations were likewise used for the same purpose by the confederate & antagonist of most nations publick treasures have seemed necessary for furnishing the expense of hidden wars but this being abus'd or quondam by wicked & foolish persons to the hurt of the publick & the taste for it was again clearly manifested these furies have been found to be unattainable as well as unnecessary even profitable Julius Caesar rob'd the publick treasury that was kept in the temple of saturn & set up notwithstanding standing for zealous defendes of the right & electors of the people who not only helpe him & continued him in his command contrary to the constitution of the laws of Rome but also assist'd him in destroying the freedom of his Country the treasure that was amass'd by the crown of England from the suppression of a were all spent in a little time & England has had no treasure since except in name but since the reduction

in 1660 a publick Annuity of a great opprime sume has  
been established in England we mean a straing of public  
debt wherethrough the government have found means of  
softed by the endulgey of the people to pass in circulation  
at such rates as the

The transfer or variation of their imaginary sume much  
real money has been left & gained by stock jobbers the  
example of England has been followed by the regalities of  
Scotland as well as by France & the United States with  
what success time will shew the English coniv'd  
at the alienation of the royal Domaine for the shape  
in order to make their owner dependant on the Parliament  
when for their safety sake & to render frequent Parliaments  
necessary that neither they nor their Owner before King  
William can have understood that the most effectual  
way of governing England was by

& not by discouraging the meeting of their assemblies as  
the owner of the house of Stewart uniformly did therefore  
have such thought as left by some Politicians to either  
that their opinion be well founded or not debts are certainly  
an unprofitable war when transformed into circulating coin  
a publick gaming table kept by a nation must tend to  
corrupt the morals of the people, concur to frauds &

Bankruptcies as well as encourage luxury & discourage  
industry when a nation comes out of debt we may begin  
to compete. As such; but till its debt is paid it cannot  
be truly said I have any The same observation is however  
with regard to private men whatever appearance they  
assume & in whatever luxury they live till their debt  
is paid they are worth nothing The mode of transfer  
of public debts is an invention of modern times but  
does not furnish much advantage to the public & is  
constantly exposing such a country for posterity may  
perhaps for ever come to no man can form an  
adequate notion of for as soon as the bubble of public  
credit shall burst which it may do at any time by  
the unfeath of the people & when it shall appear  
that a nation is insolvent & helpless must come to  
ruin from a state of great affluence & the less  
profligate by such a conversion would be far more  
deadly & general than the most destructive & suc-  
ful war The only defence which these nations which  
are in debt have against such a conversion is merely  
a faint hope that it will not happen in their time  
to sometimes or other however it must be referred &

An great enmity & want of kindness is perfectly  
to be grounding such a fatal position for them. To be  
out of debt is the foundation of all publick & private pro-  
perty & is token of wealth before that is lacking only  
of what belong to others although a nation therefore have  
no hoards of Coin or valuable property wherein the hand  
of the publick or private persons yet of its lands are well  
cultivated & its people industrious managing & well employ-  
ed in the practice of the useful arts & from freedom after  
or foreign debt it may be truly said to be free & tho'  
not rich yet in a thriving condition because the property  
of such a family would soon increase Publick economy  
national resources are constantly increasing for the happiness  
of each individual but for the poverty & wantonness  
of the Body Politic which must be kept in order &  
defended by a revenue arising out of private property this  
completes the 3d part of publick economy to the confederation  
of which we now proceed that part of the national wealth  
which is allotted for the purpose of the state is called  
the publick revenue other may arise from domains or  
unappropriated subjects or from taxes. The mode of sup-  
porting government by the product of lands was the only

proof of much knowe in rude age & was suited  
to that undutiful ignorance of the

an said to have adopted this method

In the division of lands they always reserved a  
portion for the publick or every small district or Parish which  
uncultivated for the benefit of th. state by the labour of the  
district & the produce of which dislays all publick expences  
but the mode of supporting government by Taxes is better  
suited to the industry & skill of commercial nations now  
It is not the interest of commercial nations that any  
just frontierman unappropriated because while  
it remains so it is commonly ougledd & used to the  
publick accordingly the Royal Towns & chaps in En-  
gland are mostly uncultivated yet th. royal tenents  
have made many farms & one sumer in sundry parts of them  
& these have been of late much encroched for the purpos

of th. land would be more applicable to th. publick if they  
were cultivated as private estate th. common or unappropriated  
portion of land used to be found till lately in every parish  
in England & were inferior as resources for th. poor & helps  
to population & not fit the support of government yet they pro-  
ved to be of very signal use to it for the villages that arose  
out of th. commons th. inhabitants of which were supported  
out of them produced a hardy people which multiplied apace

as supply to their exertions in agriculture manufac'tures  
common that England is indeed a wealth & great  
nep many old trading towns have been an evident  
of this village while funding exertion towns have decay'd  
comes to nothing of late the english government have  
appropriated that common by dividing them among  
the rich proprietors of the lands or their neighbourhood but

deserted one of its most important national re-  
sources St. Goldsmith desisted village

present age contains a pathetic  
lamentation of the decay occasioned by this falling an ap-  
pear from the press a few years ago I have concerted  
in the north of the house of common for 1 day only draughts  
of Bills for the appropriation or division of 35 Commons  
in different parts of the Kingdom

and to reduce the num-  
bers & scuffles of the people in England & consequently  
to lessen their manufactures that & assist the poor remain  
policy has prevailed in Scotland though the poor were never  
so much burthened by the common. whereas they even in England  
as mankind in wide ages are greatly averse to labour &  
jean know any way of acquiring property except by arms  
taxes have been generally odious at first & retained so  
many bdays of Slavery here in the Judah Kingdom  
militia former supplied the plan of taxes the vassals

and themselves e fived at their own expences com-  
monly from the time that ther grain was sown to the ap-  
proach of harvest either way tall the Preliewhor that  
they bernes call the tax that they paid or contēd pay this  
things wher ther Baron or lord on ther own lands  
menne arising from taxation may manife to gether with  
with the number the wealth & frugality of the people  
the onerous of gret by lay ing outvay parts th on the pay  
of the Preliewhor to pay a multiplicity of taxes or  
expences

such as lands cattle caruage & seruants an certainty  
offt neymane & for somt lime myffle the only taxes  
that the people of a new country can pay unless they  
are engaged in commone what will permitt an addi-  
onal reform but when their property increased & they  
are able to buy foreign

neymane in judgyng of the absolute  
or comparative excedancy of different kinds of Taxe the  
following proportion may be admitted as axioms off the 1<sup>st</sup>  
that the Publick expences of the state myffle be provided  
for at any tayard or season to the Prelie wher is the  
marke of oration & affluens "Salutis populi primum

*lex officio*" The Committee of

government & how ever ignorant men may dignify it with  
the name of liberty or worthy of the most severe punishment  
at the very lowest pitch people ought to be deprived  
of the protection & privilege of that state which they refuse  
to support? Those who are charged by the constitution with  
the care of the state must judge of the necessity of what  
is necessary for its preservation ought to be raised  
by the unrelenting force of compellitory law but if the law  
is not strong enough to raise a revenue for its own support  
it must soon come to an end call orders oblige  
must use altogether methods of moderate violence  
have often been carried too far & in the end must  
prove ruinous either to the person intended to be  
compelled by them or to the state which must lose that  
revenue which has been rendered unattainable by

unnecessary delay. No man who refuses to do their  
duty or submit to the laws made by their own rep-  
resentatives. The clear operation of compulsion law  
is the only mode of reasoning that ought to be em-  
ployed. 2<sup>dly</sup> It may be admitted as an axiom that  
in levying Tax no Injustice should be unmercifully  
condemned as it is necessary that a Tax should be  
produced. ought to be laid on such articles as  
will certainly be used but the means of life & the  
last resource of the poor ought always to be kept un-  
touched of. In Holland the very means  
of life are the subject of taxation but as these are  
mostly imported they are naturally considered as  
furnish of common & that ought to have a power  
of taxation which is not used in any other mean  
the Dike tax for preserving the

part of it lies about  
14 feet below the surface of the ocean equally & propor-  
tion should be paid for all taxes though mathematical  
exactness is not attainable Examples general taxes have  
been often granted or favored by arbitrary opinions either to  
corporations families or individuals but they are  
contrary to equity men of property ought to be taxed in

so distinctly apertained In England & France the estate  
of the monied men are altes of their goods from taxation because  
they are overfull & cannot be distinctly apertained so the mo-  
ried men only pay taxes on consumables together with  
others but in Holland even the enditors of the State are  
taxed on proportion to their estates because a debt of the  
publick is a just that can be apertained & as it judg'd  
enough may be confidenc'd as a productive one The English  
have hitherto unflinchly refused to tax their publick funds in  
order to allow foreigners to traffit their money with them in  
opposition to other nation. By another article is that Proprie-  
ty of the people & that of his property & ought to be best  
impair'd taxes that impairement

• © Injurations of men  
are immoral & infidels as well as impestuous as they  
tend to destroy mutual confidence & hold up perpetual  
ambition to villainy & directly of this opinion was  
the famous stampact & the act for extending the  
jurisdiction of the Admiralty Court in this Country  
the first of which nullified all seafarers conveyances &  
legal fixtures if they wanted the stamp affixed &  
the last subjected men to be tried on one jurisdiction  
for a crime committed in another & were to be sent to

England Revenue laws ought never to encroach upon  
the property of the property of the subject nor on that  
of their persons. The Bill except taxes on England con-  
tain too strong temptations to villainy & treachery as the  
first of these enact that no bill shall be payable or  
recoverable by a suit at law however justly due  
that has not paid the stamp tax & that last that all  
monies actually paid may be demanded over again  
e made payable by law a fixed time unless the  
payer took a stamped receipt at the time of payment  
when laws which ought to be the guardians of morals  
are rendered inimical to morality &

They certainly fall short of this  
and become greatly helpful to justify them must  
certainly be a great want of wisdom in the imposi-  
& continuo of taxes when they are not able to find any  
other means of rendering them productive except by  
disjoining the confidenc of human society & offering  
high premiums to form & rewarding others a method  
must certainly be devised for levying way less  
tax without multiplying poverty & injustice which  
on the most foundation as well as the best taxes

What can be laid on civil Society -

## Lecture

It may be admitted

industry may be avoided  
of this kind it may be wished the laws of England for the support  
of the poor whereby every parishioner is obliged to pay a certain  
sum in eating & drinking.

ing at the same time many poor people who  
undeservedly fall in their parish left the town & become  
burden some to it or from parishes where less and worth having  
left out

leave to the lowest offer that is to the overseers shall un-  
dertake to support them upon the sum a week & the undeter-  
mined in order to make his bargain less fatal to himself & to  
lessen the number of those whom he has promised to support falls out  
the young children as apprentices till they are 21 years of age

The consequence is that he  
has very few remaining to maintain the overseers who  
as well as the undertakers are gaured by this doing & guard their  
great collections in what are very properly called Charity Pacts  
of a somewhat surprising that all the regulations concerning the  
poor that are established in England have been independently

adopted into the law of the Country so that the overseers of  
Townships

they do in England the law of Scotland imposes no tax for  
the maintenance of the poor but they are supported by voluntary  
collection & charitable donations of private persons &

Orphan

for having supported her on her infancy such support the laws  
always suppose to have been given from charity & therefore  
no return or reward can be exacted for it although he allows of

for apprentices for

more than 7 years although the poor laws in England are not  
intended for the support of government yet as they recypt  
a revenue which is reckoned equal to £2,000,000 & in their  
operation discourage settlement & industry by removing by  
some those persons who cannot find bale that they shall not  
be burthenome for 3 years

at least unto 500 families that they have  
lately made a law to prevent some of the variations removals  
of the poor that were unqualified

reform perhaps the easiest as we know  
not whether it is a law that prevails in this Country of in-  
denting servants from Europe for a number of years though  
not intended for the support of Government may be con-

Judged as an injurious revenue law what tends by  
its operation to choke fit and to  
discourage popular His certainly contra to  
that justice & highly injud to the little  
men of the Crown as well as to the accommo-  
dation comision of the citizen to oblige a poor  
man to work hard for 5, 6, or sometimes 7 or more years  
in return for a passage that does not cost 6 guineas & may  
not be had at this day in any Port of Ireland for it  
this operates for a duty or gratification

Passengers &c duty of the most  
odious kind a duty upon liberty whereby they can trans-  
port by an involuntary contract apprentices to hard &  
unjust masters & are obliged to work for more than  
5 or 6 times the value of their passage merely because  
they were too poor to be able to pay it once hence it is  
not to be wondered that the people of this country are  
so faintly provided with servants & often obliged to put  
up with bad ones as by their oppression custom or regulation  
they discourage all from coming that desire encouragement  
& most of those who come in this manner come with an express  
resolution of running away from their masters at the first op-  
portunity & will not permit the to transfer the services when

of a transported convict for more than 7 years but  
must be made impossible now that they are at liberty  
to make the same conditions or worse for innocent persons  
that were formerly thought hard enough for transportation  
Criminals of a slave land in England from any part  
of the world whatever he becomes a freeman but when a  
freeman lands in America he immediately becomes a  
slave & often for more than 7 years merely because  
he was not prepared of it or to guarantee to pay his passage  
off people more capable of reflecting that population is  
of themselves they

do not contain such a crop which is so injuri-  
ous to their soil & so injurious to a number of poor  
creatures who only wish in the want of a little money  
a desire of living in America left a mind without re-  
gard to laws as that those which are least felt  
or guaranteed ought to be enforced The observation  
must be variously applied at different times accord-  
ing to the nations where the people have of guarantees because  
sometimes they may consider a tax on a guarantee which  
is in fact much less than another which they may im-  
pose it but a wise legislator will not follow their own ideas  
on this matter but let the people fairly have their share

because of the Tax is actually paid to the gather it is a common  
planc in its favor that it is paid willingly & not considered as  
a grievance the late Lord Chatham left the affliction of the  
people in England by a new

National Revenue of they popular the indeavord  
to him

The law of Servant  
the shiptax in England was always consider'd as great  
grievance & alienated the affection of the people from the govern-  
ment & may indeed sometimes happen that a legislature may  
have no choice in a matter of this kind as the people may some-  
times be desirous to consider any tax however necessary & judi-  
cious as a grievance. Then perhaps it is impossible to devise any  
tax at present in this country that wd. not be unpopular so  
that members of the legisl. have become eng.  
which were popular before many persons consented to a tax  
perhaps in no respect more exceptionable than any other Tax  
what ever last when a Tax is once imposed it ought to be  
lived of there was good reason for imposing it then must  
be the same reason for leaving it even though the reasons  
for imposing had been of somewhat less weight than ought  
to have determined the legislature still it ought to be lived  
in order that the legislature may have it or that power  
to levy any other tax afterwards known of the people

one find it practicable to avoid the payment of our tax  
they will never submit to another & need only a demagogue  
to exalte them to rebellion

Scarcely any particular in which raw &  
ignorant legislators are apt to err more grossly than in  
matters of revenue not being satisfied of that knowledge  
of human nature which is necessary to guide them in this  
matter when the power of raising revenue in one form or  
another is given to them whether you may or  
not be put upon the stocks when all taxes come to be  
accounted you will be paid & although the power  
will then be with the people for want of revenue & order  
there will be no power capable of acting for the pub-  
lic good - In finnished one world at first imagine  
that what an called enviable or odious taxes or duties  
imposed upon articles of foreign luxury would be the  
most popular of all others in a free country as well  
as most adapted to the genius of republican government  
as those an entirely optional taxes of which very man  
pays only or much or a little as he pleases of which  
he may pay none at all if he pleases by not buying  
the taxed articles yet we find to our great surprize that  
such taxes are by no means popular among us &  
have not been submitted to in any state except to a-

very small extent though no reason can be given why  
they should not rather be preferred to any others An Excise  
law has been passed in form of the States but it has been treat-  
ed with contempt & rendered unproductive so that the next  
law that shall be made ought to be entitled an contribution  
to the people & it can have no further force after some is fairly  
carried

of collecting them ought to be before a multitude of  
persons employed in collecting a sum of money which in some  
times much less than sufficient to pay thus our藩籬  
is a gross foolishness in legislation yet in many govern-  
ments

quarterly fallary for collecting a sum that was not even equal  
to the half of it a sum who were paid a deputy have not  
collected or much or paid even for his fallary the collectors of  
the revenue of France amount in all to 250,000 men &  
Dr Anderson has shown that in the Country of Scotland where  
custom houses are established there is not as much revenue col-  
lected as would be sufficient to pay the office

The Errors of other nations may be of excellent use to  
us if we are willing to make a proper use of them Queen  
Elizabeth was a very arbitrary Person & yet the whole a-  
mount of the customs of England in her reign was not equal  
to the sum that is annually paid for collecting them at  
Harcour that are laid on luxury & may be collected by a few of

person of all others himself judicious hence Mons. Decker

o Denmark raise from the whole of  
that Dominion Super-numerary officers are to be avoided  
but in large governments some of these are necessary  
expensive expenses that stated officers are much  
better than occasional ones of collecting taxes is made  
an office of burden it must often fall on the way of  
negligence upon men that are very unfit for it often  
comes upon such as an unfit to be trusted rational  
men now run too many risks already of being ar-  
rived or diminished without the legislatures adding  
any more expenses of that nature the operation of  
a revenue laws ought to be unpaternal certain quick  
remedies the method farming estates of getting  
money to private persons appears from the experience  
of those nations who have used it to be much more bur-  
denome to the people than that of revenue officers but  
in a new country where taxes are hard to collect &  
where officers are never made actually responsible

if any person or number of persons could be found  
who were hardy enough to undertake it after the infi-  
dation of the state had fallen in it one great considera-

any of this method if it could be put in practice  
be that the Farmers of the Revenue would always be  
made up of fit persons occasional collectors who are  
chosen by the people & consequently their favoritism  
cannot or will not be made upon till Taxes may  
be imposed to the general head capitation assessments  
customs capizze Capitation is a Tax on the  
people

on the rich or the method has yet been  
discovered of laying on taxes of this kind in a just proportion  
in Ireland the System which is a capitation Tax fall  
upon the poorer sort only & on account from the few  
more poorer sort of citizens were called capiti peregrini for  
the same reason

but modern governments have never  
thought of this as even their capitation taxes cannot gene-  
ral & therefore cannot ascertain the number of the people  
an act was once proposed in the Assembly of the State for  
numbering the citizens every 5 years

much needful in  
formation with us the legislature etc to the public we w<sup>d</sup>  
then know with exactness how many numbers are sent  
to the leg oflature by districts that pay no taxes or

must be now & I think whether the number of the people  
is increasing

extorted at the expense of the publick or a re-  
ward for having refused to pay their taxes how many people  
leave the state yearly or come into it a capitation tax  
may sometime be of

buying from  
the rich any thing in proportion to what they ought to pay  
for the support of government perhaps so far this reason  
that capitation is wrong where an unpopular tax &  
has been commonly reckoned a symptom of oligarchic or  
oppressive government tho' it has nothing humiliating  
or oppressive in it to pay for the preservation of our  
country & safety a justly & reasonably ordered state the poor  
pay equally with with the rich the circumstances in  
part

because this is a publick document that the up & affi-  
ty of the poor is reckoned less important to the  
state as that of the rich A capitation tax was raised  
in England in the reign of the late King William  
when the cost of the Nation was at the highest  
but neither that nor the health money

never dependt in  
their zeal for liberty capitation taxes have been -

Iniquitously imposed since the reign of King Willi  
am England

Taxes were proposed of non bearing the people out  
out imposing any tax at all. some are of opinion  
that this proposal was overruled in order to conceal  
the damage of the number of their people that  
only Dr Goldsmith his men lately Dr Price or said  
by of Mr. Opiner from the calculation he has made  
of the amount of the half Tax though the Data  
in that case are not quite sufficient England has  
so many inhabitants that are not citizens that if a  
capitalization tax were agreed to there it would be very  
unfair to dislenguished the naturalized

had been so contrived as to distinguish  
them carefully into classes & groups etc. ascertain the  
true numbers so distinguished in every township  
country & district it would have given much useful  
information & might have led to very considerable  
improvement in political as well as domestic economy  
This Country is perhaps as improvements among in the  
human world if the people were deprived of a little

more knowledge &

granted as many do among us that  
they were perfect from the beginning & that things  
could not be better ordnd than they are at present. It was  
a quite contrary course of acting that induced England  
to ch. enjds imminent war by adopting what was  
war faciliatory & profitable

by making  
dominionary experiments & by grafting by their own  
means as well as by those of other Nations that they  
attained to their present State we must not imagine  
that we have got away theng secure & we have  
got liberty as this without property as the most  
mean

imagined but union beraside  
industry having a that is from which makes to make  
a proper use of every thing an absolutely necessary &  
indispensable in order to render our liberty a real bles-  
sing to us.

Lecture 173<sup>d</sup>. April the 14

a person in a Tax or Rates is proportioned to  
the Estate assessed Assessment may affect equally  
when property is very unequally distributed landed property being

most easily ascertained & valued is the most proper object of  
assessment. The proportion of land being supposed to be the most  
original as well as the most permanent & productive must  
have been the first duty of Taxation in all nations. Taxes in  
kind the spes corporis or actual produce of the land  
comprised the first taxes levied on the first rents being the  
only things in the power of the possessors. In the first times  
the household & even the armes of Prencies were supported by  
contribution in kind levied by their subjects. Land is now  
taxed in proportion to its annual produce estimated in money  
which money must arise from its annual produce. In England  
the Counties to the south of the Trent pay 4 shillings of land  
tax out of every £. of yearly rent that is actually received by  
the proprietors & when this contribution is less than the expense in  
proportion but the Counties to the north of the Trent & likewise all  
the Welsh counties pay 4 shillings on the Pound not according  
to the real rent but according to an asessment or valuation  
made on the reign of King Charles the 2<sup>d</sup> which circumstance  
renders their land tax much more than that of the Southern  
Counties of her often been vindicated in Parliament to equalize  
this Tax but it has hitherto been omitted as well on  
account of the difficutlty that it would occasion in form a  
notion that the Northern Counties are much richer than

the other which in many cases far from being true in  
Scotland by the Articles of the Treaty of Union the whole  
land Tax of that Kingdom must amount only to £8,000 ster-  
ling when England is taxed at its  $\frac{1}{10}$  per £. in proportion  
when no lower. & this sum thus apertained to a fixed  
on the whole landed property of the Kingdom not accord-  
ing to the real rent but according to a valuation made in  
the rynge of Charles the 2<sup>d</sup> which is said to be very unequal  
because at that time the taxators being unacquainted with  
land Taxe many Proprietors of land out of men vastly out  
of view of appearing great men gave an estimate of the value of  
their Estate.

were more w<sup>r</sup> & estimated them at the real value which at that  
time was very small so that the proprietors of land whose pro-  
prietors in the rynge of Charles the 2<sup>d</sup> were wife men or who have  
long w<sup>t</sup> Estate that were then in the estimation of wife people

that good w<sup>r</sup> men now pay dearly for  
their country they being loaded with more land Tax than some  
of their neighbours that have 3 times their income & they  
are supposed to be hard in a new country that citizens  
should pay land Tax in proportion to their improvement  
but this is utterly unreasonable & of the people contynue a

as they have done hitherto or endeavour to oppose federal government without which the ongoing of such taxes would be nugatory & ineffectual. Thus our legislators must be obliged to

no mean of taxes of any kind shall continue to be paid. The Normans in their Census calculated the whole property as well as the number & yearly revenue of their citizens & from this calculation & survey they ascertained their ability of paying Taxes & the famous Survey of the lands of England made by William the Conqueror & commonly

country a measure of the kind would be deemed not only inconvenient but impracticable enormous losses. The debt of each individual would thence come to be defecund which to many of them that are engaged in Trade might have very serious & disagreeable consequences but all visible property may safely be made liable to assessment — Every coach or other carriage in G. Britain pays 30<sup>s</sup>. annually for each wheel for the support of government a very horse pays one shilling of old duty before 5 per cent of its yearly value a tax on windows in proportion to their number but the middle class of which is about 1 shilling each window.

• the highest glafs 25 Shillings  
Stage coaches pay a penny

for each mile & carriage that tra-

Morfer that an hund<sup>t</sup> ride post

leagues pay a penny for each mile & those who pay  
five Miles ought to pay them fully when they con-  
sider the multitude of heavy burthen which other na-  
tions bear without upbraiding

System of borrowing & lending  
but the condition of a people whose burden an yearly in-  
creas<sup>r</sup>ing most com at last to be quite intolerable unl<sup>p</sup>  
their ability to bear them leant to made to encase in  
the sam. proportion which is utterly impossible the flock  
of the Merchant in continually fluctuating a day at  
tempts made to ascertain the extent of it would only give  
an ear for frauds or embezzles displ<sup>r</sup> the sum<sup>s</sup> of Trade  
here in England a Merchant who Estate in goods Bills  
Ship Stock & annuities the his fortune may be much  
greater than that of any landed man in his neighbour-  
hood

afftaid but by the Law of Scotland whenly a  
part of the land tax as assipp'd on the trading intent  
very merchant is oblige by law to give in annually upon  
oath to officers appoynted for that purpos<sup>r</sup> not indeed the

in order to ascertain his  
proportion of that Part of the Land Tax which is imposed  
on the trading interest whenever proportion is attempted or  
sought for Equitable & regular taxation prevail.

method of

all taxes of what ever kind should be cast into one &  
exacted at once this indeed would produce great labor expense  
in collection but in order to a just & proportion of each  
it would be necessary that the citizens should be divided  
into certain classes or condition of the human race that each  
individual should pay a determined sum according to the  
class to which he belonged but even in this manner some  
would pay much higher than others in proportion to their  
real ability though indeed this method might make  
men pay according to what they possessed from little  
power they went proceeding that their ability could be properly  
ascertained & a just & certain undue tax on men to contribute more  
to the publick than others if they could have done by using  
their interest to be ranked on a higher class but this me-  
thod is by no means adapted to the circumstances of a  
republick in a new country

of Persons generally obvious. but

tions are taxes imposed on goods in common & aduaned by the Merchants as Traders so common a sum of national wealth it would be contrary to Equity if it did not pay a proportional share of the public revenue & this can be ascertained only in two ways either by imposing a duty in proportion to the quantity or according to the price of the goods both these kinds of taxation are indeed imposed to standards. These duties imposed ad valorem appear to be most difficult to evade in all seales of land in Holland & part of the provinces to the state & in many parts of Spain the alcavali or 25 per cent duty on all goods sold is still called Customs imposed on the newspapers of life an a tax on the poor & have all the inconvenient effects that are commonly attributed to capitation - None of the newspapers of life are taxed in equal Britain except coal Candle Stocke matts hops & Bar from whence however equal sums are raised but these might be considerably reformed & made less or proportionally less charging higher rates in proportion to the quantities of each of these articles consumed by each individual in the same manner as the taxes imposed on windows

such as would not be burthen -

## From the Poor

may well with regard to ordinary articles that are used up in an extraordinary quantity, ought in equity to be taxed in proportion to the quantity which they consume. The luxury of the table might be a very proper object of taxation as the arts of modern cookery contribute in many cases to the distribution of extraordinary quantities of articles of provision consequently to exchange thus give Mr. H. H. compates that at a Lord Mayor's

article of soups & Sauces are part of this flesh  
being dressed or eaten w<sup>th</sup> a large Westphalia ham or often  
jellyed to the same @ the end of the day the expense of  
it only being up to justly fixating for a couple of  
Partridges.

Dinner at 60,000<sup>L</sup> sterling the  
one of the dishes of which it consisted were above six inches in  
Diameter &

suspends of beef as well as other things, a tax in proportion to its prevalence is certainly conform'd to natural equity  
Customs imposed on matters of ornament or cost by accommodatin on a tax only on the dredge & on the rest a full  
taxes are certainly most agreeable to humanity & justice  
Customs are an encumbrance on Trade & may amount to a  
prohibition of particular articles which are supposed to be

prohibited but on finding cases where no prohibition is even intended the

other with respect to Tobacco which case the duty was to be known been brought from the Planter at 33 pence sterling per £. pay a duty of 17 pence  $\frac{1}{2}$  per £. on its entry into any custom house in great Britain

Island or £6 at one shilling per gallon but when included in any import bill in England pays 6 shillings per gallon of duty Customs

the consumer's duty being comprehended in the price of the commodity are not commonly felt as a tax at the merchant

have a profit on all his advances & follows that the earlier in the course of Trade that customs are paid for any commodity the heavier they will fall at last upon the consumer as customs comprehend every art

Mer. May's an lived in a peculiar & complicated study Mr. Croux's treaty on the of the articles & has only a single line for each in a book that is much longer than Stom's Cedula though it want all the addition that have been made to these duties for more than 20 years past

during the late war the great-

multiplicity of oaths that are  
made receyved by law at the entry of every article & this  
engagement ought to be considered as so much heavier than men  
than  $\frac{1}{2}$  of these oaths are commonly false over a stiff &  
unaccommodating Policy insomuch that of Spars has  
long

government of England besides the multiplicity does not  
add one lasting to the revenue but has rather standing  
just an offset on the character of the people who are concern-  
ed in trade or must make humanity shudder

espclie

The same misfortune & unaccommodating humor prevails  
Especially in the annual Election of church wardens each of whom  
is obliged by law to sign a book of articles containing the du-  
ties of their office as they were imposed to them about a century  
ago & they are obliged to swear that they will faithfully  
observe all these articles. They swear or castulate  
that they will go forward

that absent themselves from the church in  
order to their being duly  
Parson if he do not give all

The Holidays & conform to all the Commoners of the Month  
of common Prayer

ever take the least  
concern yet because the officer who sells the Month gets 2s. 6d.  
for it & the officer who administers the oath 10s. pence from  
each no less than 43,000 men are thus obliged by Law to  
pay him this sum every year. For a reason of equal weight they  
have uniformly refused to inform their prisoners least it should  
tend to lessen the amount of the jailors fees the multiplic-  
cation of oaths

is an imminent hazard to morals without being of the least service  
to government. Except in a tax on commodities or upon paying  
the consumer the imposed at first on the manufacturer  
short producer or retailer. The except duty in its present  
form in England is the invention of Oliver Cromwell

Matt Bass Hops, leather Soap candle  
wines &c &c a number of manufacturers are subjected  
to this except officer are opposed to very distrustful  
jury daily

Brewers Distillers Tannery Panners & candle-  
makers to keep a strict account of all the goods which  
they generally manufacture or sell that the duty may be  
paid every quarter of late the except has ~~been~~ he

carriages. Exports may be subject a tax either on the value or on the  
poor generally or on both proportionally. Exports less burden  
from the consumer than equivalent raised in customs will  
surely be less felt as a grievance & be productive more  
animosity in the people against the government than any  
other species of taxes on mankind are generally much influ-  
enced by whatever affects their property

unwelcome visits to the manufacturing districts  
& manufacturers make them feel their situation with regard to  
nature and complaints of it when the last time I hope the  
perhaps it collects much more duty is known only to the merchant  
& the shipmaster & the goods what are charged with that duty

12<sup>th</sup> year of this Century the improvement of tanning &  
feathering was first invented there collected in some of the  
goods

Mr. order for the citizens of a free republic to study  
the amount of foreign taxes in order that they may be for-  
tified how much of them they pay when they travel to-

rugh commodities.

by consider by comparison of the taxes of other countries it  
citizens ought to bear to be content.

do also study by culture & private economy to retrieve  
the credit of their country & to support its laws which  
are only designed for the administration of justice &  
the support of regular government

## Lecture 17

Syther being a Pound of Excheir for the support of  
the exchequer.

in respect to it. This curum planus.  
it may appear to be one of the most popular or favourable signs as it  
has not been impeached either in memory of man nor affeit what  
any man can call his property under Heaven for so many years  
the 10<sup>th</sup>. part of the produce.

Christianly The Christian Emperors  
transferred the Syther to the Christian on that of the Pagan Priest  
hood & adopted the quorshin statuton concerning Sythers into the Code  
of their imperial laws now and in much more than 14,000 years  
from Syther have been paid in Europe every acre of land on it

for these many centuries past nothing can be more evident  
than that no man whatsoever by the laws of these countries can  
call the tythes his property though he never purchased them  
either or bound by the same laws by which he holds his lands  
to pay his tythes to those persons to whom the law directs you  
to be paid. That it is evident that for more than 14000 years  
past no man in Europe could purchase any more than the  $\frac{1}{10}$   
of the produce as he had never paid for the remaining 10<sup>th</sup>.

infidel Franks against

clamour was raised in England against the Tythes as if they were  
an usurpation of property

Property even of his most remote ancestors  
now that he had ever bought them or consequently could have  
any right to own but when the idea of property was exploded  
it was intended to be inconvenient for the Colony who needed these  
Tythes as well as for the proprietor of land.

Tax was proposed to be put into effect instead  
of them. The present Lord Chancellor of England lately pro-  
mised a sentence which has been decided on this head in  
accordance with a gentleman of Fortescue offered a certain  
quantity of land to the minister in lieu of the Tythes of the  
improvement by declaration that by the Law of England the Tythes  
were incommutable & that as the gentleman in question in com-

man with every other British subject had purchased only  
20<sup>th</sup> of the product he would pretend to have the smallest right  
or interest of that

dispute has caused & the by the clubs & committees are no  
more heard of in England tho' a few ignorant people in Ireland  
who are incapable of understanding the rights which men have  
to their lands in Europe have raised sundry commotions on this  
head of late years

The Tax & the collection of it being annual & exacted  
the fences have contributed to make it unpopular with se-  
veral men

of what was referred by the author in the original  
definition of landed property & what consequently never belongs  
to nor could belong to any private man. On the time of op-  
erty no difficulty ever occurred concerning whether any man  
clearly understood that they never were any man's property  
they were said charitably & usually & the payers considered  
their paying of them as an act of religion or will or an act  
of justice & at the same time as an acknowledgment of  
what was undoubtedly true namely that they had purchased  
a right only to  $\frac{2}{10}$  of the produce of the land of their ap-  
portion & that they had the remaining 80<sup>th</sup>. when the

law had made it see the spirit of Athysm @ first  
beginning which began about the time of the reformation  
widely by the laws of all Europe but their inattention to  
the grounded chiefly from their prejudice against the clergy  
whoſe been or that age were not much more differing than  
that of their adversaries

temporal Barons & the Tythes before  
don certain Titulars with consent of Parb  
charge with the mainten. of the Clergy tho'  
for some time they needed nothing a third  
part of the former benefices or the arbitrary confisſion of  
right was separated from the rest & this too was vested in  
Titulars

¶ Charles the 1<sup>st</sup> part of the Tythes were  
enfeoffed on the Churchmen but the Parlia-  
ment having permitted private person to purchase these Tythes  
from the Titulars at 5 years purchase many took ad-  
vantage of this  
as it was to the Tythes of their own lands now in  
this whole management we may trace the operation of that  
prejudice which men receive from their friends & which so

often overcome won the clear &f convictions of their  
master by saying they produc'd altogether the people con-  
sidered it to be all equally their own even though

this was not the case & that of those  
born all their own they ought to have had 10 per cent  
more paid to their predecessors

backward to the establishment of  
the christian religion but it was evident that no private  
man

pedigree of his family or their right to land or any thing  
whatsoever to be remitted a period the same prejudice which  
calmly knew'd itself in England continues to appear in  
any part of Ireland when the people look upon the tythes  
with an evil eye & consider the produce as wholly their own  
though they tythes that they never bought it or paid for any  
thing for it and human nature is in every age subject to  
the same corruption & prejudice derived from the former  
may be said to be among the strongest of their kind  
to prevail in the northern parts of Ireland

many people  
despise the protestants of the tythes without feeling it a worth to  
it or the roman catholics who they believe have a divine

right  
except laws The dissenters in G. Britain & Ireland pay  
not their Clergy by an assessment which has nothing of  
the nature of excheife they affit themselves in proportion  
to

Their meetings & their several proportion are paid quietly  
without murmuring for the support of their own clergy while  
the Ministers & dues of the established church are grudged or  
attempted to be withheld notwithstanding that the difference  
of their fees cap or contynly

This amounts then that what the  
Dissenters pay to their ministers is legally their own property  
or what is paid to the churchmen is the property of the King & then  
pays by the

or could aequon a right but injurie are stronger than  
as sense of right so that in the protestant cause those who gave away  
their own property do not complain of those who only gave up  
the property of others to the legal owners complain as some  
thing were taken from them In the beginning of the set-  
tlement of New England

lithought themselves  
of making a fated provisyon for this clergy by an assent  
upholding the by this in England accordingly imprest  
upon every house hold or division of land a certain small

I am much now to be apprised with the maintenance  
of their Clergy how the plan became doctrine we are not  
informed probably it was owing the want of impediment  
but since that time the notion of absolute entire property  
which is unknown in Europe

proposals of a temporary kind  
for the support of Clergymen have been made but then  
according to the judgment & pleasure of the people but how  
long or how short any of these may continue is impossible  
to conjecture to conduct Mr. Scott of Collegeton & the Scott  
of indifference have set us free from the scandal of separation  
as well as from the fear of it until open atheism indis-  
cretely should gain the ascendancy which would soon produce  
a persecution against all who bear the Christian name  
from the greatest plentitude of opinions.

appears to be daily gaining ground  
all the denominations of Christian diminishing in their  
numbers everywhere Mr. Adams appears to consider the  
preaching of a law for the observance of the Christian Sabbath  
as one of the greatest follies that the people

not a little that all the  
American constitutions were formed without the smallest  
regard to God or religion now if such opinion continue to

gradually withdrawn & we have seen many movements  
such titles as this every man his own lawyer every man his

or his own watchman we may soon perceive  
his own eligi-

on an article on which the people may be taught that all  
religion is entirely superfluous & an encroachment upon liberty  
& that men may do whatever their passions may dictate them  
without fear of punishment here or hereafter

We now proceed to the consideration

mentioned in our preceding formulation they have been  
considered only in respect to the history of their establishments  
or in respect to the ground alone of civil rights or obligations  
that can be derived in funding instances by general conven-  
tion what forms the political civil law of the community  
but men have original rights & interests to guard in respect  
to what actual establishments & conventions may be se-  
lecting or pronouncing upon such to a question which is now  
to be discussed namely, what is left for mankind in their  
political capacities? now in defining  
numerous or rules which

may be termed the poli- law of nature offers one  
thing to consider how the different principles commised from  
of government actually arose or has for they are que-  
stions to support themselves etc another thing to investi-  
igate what men ought to do with respect to political  
institutions which properly render this question a branch  
of moral philosophy

now each of them their particular point & max-  
ims by which they support themselves & exclude others  
& their ends are likewise somewhat different now in our  
present enquiry we propose to investigate these max-  
ims on which all government ought to agree entirely  
abstracting from any particular form In investigating  
the ends of government we will discover its miseries &  
wretchedness of human society & in comparing different  
forms with each other their several excellencies & defects  
must arise only from their fitness or unfitness to pro-  
mote the great & general ends of government. It  
is ordinary however for many writers to mistake those  
means & institutions that were designed only for enpro-  
moting a particular form of government for the means of

principle or political law of nature we will then be able  
to discern what are the qualities of each particular form  
how far it is capable of contributing to the grand ends of  
government & safety. In a full & correct proportion that  
Political institutions are only beneficial in proportion as  
they contribute to the safety & happiness of the people this  
principle therefore may be safely assumed as a first  
principle of

conscience 1<sup>st</sup> who are the people & in what their safety  
consists & 2<sup>dly</sup> in what their political happiness consists  
in forming the just government of men it is probable that  
private interests may at first have been chiefly consulted  
as many subsequent institutions have been intended

Govern-  
ment thus E.g. In a state where by the monarchical  
system or Law the whole authority is supposed to be in one  
person a

- such high treason or conspiracy against  
the whole community which enlivens so authority as is supposed  
by the constitution of the state to be concentrated in & represented  
by that one person

an act of Hobbe whither hind  
or  
detain any attempt to alter that form or Government  
posed to be a confederacy against the whole body again  
in a commonwealth high treason consists in endeavoring to  
oppyp the liberties & rights of men & take away the knowl-  
edge of corporas & personar which are supposed to be  
nuptary to the publick good & the maintenance of the  
people's right now as in ordinary cases

of government should  
be accomplished without bloodshed & confusion as  
the far greatest part of men in every state are quite  
incapable of distinguishing between the forms  
who without

the consent of the people endeavor to alter that form of  
government which is already established but in all  
formes it is always taken for granted that when ever the  
people are dispossed with their own particular form  
they may lawfully & truly lay it aside by common  
consent or by a majority

make such a change from one nation to  
another neither is it high treason to endeavor to persuade  
the people to make a change in their own form of  
government

o voters to promote their particular views they could not have been accused of rebellion what means only the laying war against a particular government endeavoring to subdue it by force without the consent of the people but while obeying the laws

to be bad subjects though they may be funding things in the form of this am government which in their opinion require emendation but of the contrary principle was

except a  
stupid blind Bigot or the ignorant follower of a Demagogue who is charmed by the man found of a single word who adhers to a form of government without knowing any reason for it the men capable of inflation all forms a constitution of government must appear to be impotent & they are incapable of thinking or feeling otherwise whatever wisdom lies with them but they

government that exists by lawless force or against the will of the people though they may with a wise measure if they think it safe for them to persuade

the people to alter this

is only calculated for the interest of those  
Demagogues & for continuing them in the opinion of  
licentious power at the expence of the other & the more  
that

attachment we will always

feel in favor of any particular form of government as very  
little of the other happiness depends upon the form but the  
whole must always depend on the character of those that  
administrate it so that even a very defective may a very bad  
form of government may at certain times & in certain cir-  
cumstances serve the great end of government so well that  
it would be quite contrary of death to attempt to  
alter it by violence the constitution of Holland for instance  
may be said to be perfectly bad & to disgrace the people  
of almost the whole of their political rights yet while they  
are satisfied with it & quit undivided so that it actually  
serves the great end of government among them it is  
utterly useless to distract it by means of a usurper

though perhaps the worst constituted of any in Europe or  
in the world has served the great end of govern-  
ment in that country

strong light the great  
importance of a virtuous administration a matter that  
was never mentioned or thought of by our modern political  
writers but when a government becomes inefficient &  
when its authority is at an

the end of a government  
it becomes a duty of Parliament & every good citizen  
to endeavour to bring it to any other form that might  
answer those great ends yet in such a manner as that  
nothing should ever be done by one but solely by  
the agreement & concurrence of the people.

Lecture 175<sup>th</sup> April the 1709 -

at the election of Major Baker who was still chosen by  
the people for his father he gave his vote in his own  
name as one of the people may h. went thro the usual  
process of solicitation & begged the rights & votes of the  
people a candidate for the填补 the election being

shall suffer to ground on their antient & what form tho'  
liberty & the people were now no more & the Conqueror  
chosen by the people were more Tyrants & despoile of authori-  
ty & in them every thing of that kind being ingrained by  
the Conqueror yet even in the time of Augustus the com-  
mon people talked of liberty & the equalite as if they had  
never fall in Captivity & feared not to know that they were  
slaves of their nation & Mackinville adays thefe who w,  
change the form of a government to retain all thos old  
names affix & forms of speech to which the people were  
accustomed that they might not be sensible of the change perhaps  
Augustus had been partly for this reason that conquer-  
ing nation have generally thought fit to adopt the  
manners & customs of the conquered in order to make them  
less sensible of having changed their master when Alex-  
ander had overcome Darius in the Battle he immediately af-  
firmed the Ostrom-hat & ceremony of the Kings of Persia & no  
doubt he now fully obayed them more carefullly in that quiss  
than they woud have done many other when the Manchu Em-  
perors had conquered the Empire of China in the 17th year of the  
last Century they almost immediately conformed their laws  
with those customs of the Chinese which was the more  
easy for people in that circumstances not only to avoid

giving offence to the conquered people but in order to conceal the  
smallness of their own numbers on the whole of them did not a-  
mount to ~~6000~~<sup>th</sup> part of the people whom they had conquered  
Institution that an outward form of government  
most convenient alteration in it composed political constit-  
ution but those that relate to the Rights & defenses of men  
composed the civil law now the first of the community

of a government will always be most frag-  
ile by the ignorant & impulsive part of the Citizen & the  
soft namely the civil law by those who are thoughtless or  
deliberate the conventions that compose the political constitu-  
tion of countries are usually important only in so far as  
they have any power or tendency to maintain the civil rights  
of men Under the denomination of the people we ought to  
conceive not any separate order or class of men but all the  
members of the community whether magistrates or subjects  
or in what ever way they are distinguished according to the  
custom or distinction of rank or distinction now the safety  
of the people consists in their secure enjoyment of their  
rights the principle importance of harsher forms of  
government consists only in that degree of severity which  
they are supposed to give to the rights of the people  
now it is not enough to know that the persons & rights of  
men are actually safe for the time unless they be also

found in such a manner that there is no probability  
generally speaking of their being violated & unless there  
is an appeal given for made that none shall violate  
them with impunity now or ever that the rights of man  
may be always & secure. It is necessary also that  
there should be no one to invade them or that there  
should always be a power at hand sufficient to de-  
fend you now the just of this is not to be expected in human  
affairs & to provide the friend is the principle object of  
political establishment. The civil laws of every con-  
stitution ought to defend the rights of man which it pro-  
fesses to secure & to supply & provide a mutual defense in  
case of their being attacked now the laws of every com-  
munity must afford a mere or less security for the rights  
of the people in proportion to the strength & vigor that  
the government professes. If that law is unexecuted & ex-  
ecuted none will dare to violate the rights of another  
but if the law is public & contemptible or the adminis-  
trator ignorant or incapable & of the completion of po-  
litical establishment has provided no mutual means for  
carrying the law into execution then the rights of man  
and may be said to have no defense at all in that  
community & all the members of it may be said to  
be in a man state of nature but as the animal Body

power even when the powers & impos-  
tions of government are really extant as it may hap-  
pen that for some time the habits of society may prevail  
or come to prevail manner even when government is no more  
but such a society being totally without concern & defense the  
smallest usurpation may absolutely destroy it & quite  
overturn the rights of property & all its other rights when-  
ever the law that ought to defend them has ceased to  
have any vigor. It has sometimes been the object of the  
good policy of some communities to prohibit members of  
such character as that they might safely be entrusted  
with any degree of power but other have the object of  
the greatest number of communities to grant only such  
powers to their government as might be safely entrusted to  
any part of man. The extremes of usurpation & Oppression are  
acknowledged on all hands to be equally absurd & uni-  
versal & to lead to the opposite extremes of Anarchy & Despotism.  
If we trust government with all our right, we are slaves  
& have no right remaining in our own persons on the other  
hand if we will trust no body we must remain in a state  
of nakedness & every one must shift for himself as well  
as he can now and order to avoid this last extreme as

well as the first the most of few nations have endeavoured to limit the powers of those whom they trusted & they might not have it in their power to abridge their trust but to trust only such powers to governors as might be safely intrusted with any sort of men in a vicious extreme as well as that of trusting everything or nothing at all Wisdom will direct any party that is proposed of it to entrust as much power to those whom they choose for their governor nor as an nullipary to fewer especially all these rights & to exault with effect the great powers of government but on the mean time the persons whom they trust ought to be limited with laws & conditions & to be made responsible for the management of their trust In choosing those persons whom a society is to trust as much regard ought to be paid to certaine one of the persons that were to be chosen were to be trusted with every thing either they are chosen & trusted that power ought to be as clearly defined & limited by laws & these persons made as responsible as if the publicke had no confidence in that certaine the several cases above supposed may be entitled the government of innocence & of law under the supposed government of innocence & justice matter of form an equity and justice but under the government of law it is manifest

That the right & obligation of men should be clearly express'd & the world at the object of unconstitutional or stated law. Arbitrary governments have generally arisen from extraordinary conduct when a people either had such an option for a particular person as to do & trust themselves entirely to his disposition or when being brought by force under his dominion they have been obliged to make a show at least of uniting with all their right. The cautious & limitation of trust in free government have originated from experience & a sense of the bad consequences of immoderate.

each party has proven to guard against those who  
that they themselves had experienced or what they most  
dreaded though regarding against one sort of will they  
have often introduced sundry others no less numerous. It  
is not possible credid that the right & defense of men  
should be so definitely secured by the laws as to make  
virtue & uprightness conning in those persons who are  
entrusted with the management of them. Equal laws  
& a free constitution are no doubt valuable & defensible  
things but if the management is committed to igno-  
rant corrupt or worthless men it will be of no advantage  
to the members of society that their form of government is

Said to be a good one

of the publick are in ignorant & impro-  
per hands. In every convention the consent of Parties is supposed  
to be given either in person or by others properly authorized all  
members may as I must necessarily often act by others others  
necessarily always the case with great bodies of numerous  
joules of men in they cannot themselves meet or continue  
together for a sufficient time to manage their common con-  
cern. They must therefore entrust such with representa-  
tive duly elected & authorized to act in their name. Election  
breaks out the person to whose judgment & management  
the society entrust their rights & whom they commission  
to act in their name. Dr. Adams appears only to mis-  
take the nature & end of representation when he makes it  
merely a mean of defending the

a trust & not merely a message  
The people by their Electors empower their representative  
to consult with & deliberate for them according to the best  
of his judgment in what by their election they have placed  
confidence & they are bound by their own election to abide  
by the consequences of his action. as they have legally  
substituted him in their place but according to Dr. Adams  
opinion of the majority of a man's constituents were either  
fools or traitors or otherwise ill affilied to the communi-

in order that in his publick capacity  
he might signe only the first or non sense of his conser-  
vants without making use in the last of his own  
judgment such language has often been used in En-  
gland by the flatters of the People who intended to  
sell them at their Wrights as soon as they had obtained

manner & d<sup>d</sup> not demean himselfe so farre of a  
feat in any estimation upon Earth he cannot act contrary  
to his judgment nor sacrefie the honor of the laws & the rights  
of mankind to the folly of a multitude so he is incapa-  
ble of doing so he is no less incapable of promising to  
do so It often happens indeed that a supple Person who  
does not in the least mind what he says will read by com-  
pliment the people with her understanding & consequence  
what to be said is no great compliment of their own for  
if a people be professed of discernment they will easily  
see that a person who promises to have

up to it must be a  
unjust person to judge for them the constitution of this  
State in words at least holds up a quite different no-  
tion by marking that the person who an to be chosen  
shall be the most noted & eminent for wisdom & virtue

now wisdom & virtue could bequeath papers bearing to a  
person who has no judgment of his own but who as only  
when a wind instrument to emit such sounds as might  
be blown into him by the breath of the multitude by  
means of representation a society may sometimes choose

much to their advantage to them & certainly whenever  
choosing a lawyer or a physician we would sincerely wish  
that they were as much wiser than ourselves as might be  
that they might be capable of acting for us much  
better than we could act for ourselves by our own shall  
but according

nothing to be one who writes  
nor more foolish than his constituents otherwise he betrays his  
trust & forfeits his <sup>That Power which</sup>  
is sovereign in a State is authorized to make laws & these  
may relate either to the political constitution or the means of  
enforcing & supporting it or to civil rights or to crimes  
now although by the nature of a republic the sovereign pow-  
er is conceived to be in the people at large

suffice  
that the whole power is in one person or the whole res-  
idence of the state in one assembly the people cannot  
except that person by themselves which by the re-

Publlican fiction

No other way whom it may be expected in the  
way of big flatulon & exaction & when the people have  
once delegated their power it remains no longer in them  
but immediately passes into the representatives whom  
they have selected Every thing however abides that  
flatters the minds of the people & often holds in less  
law & good order in a Republick on the same manner as  
the most flatulon flattery & mean up is retained only  
loyally in the court of a monarch

of a free people than just  
as with one which is often suggested to them by their  
flatterers namely that the sovereign power remains in  
them after they have given it away on the most solemn  
manner this renders the

a monstrosity because the big  
flatulon has no power at all of all power what so ever  
he declare to be in the people The rebellion in  
Massachusetts so far as the people concerned in it  
were capable of thinking in any shape may very  
probably have arisen from levitous notions of this  
kind they may have been told by their Demagogues

Their representatives have not acted according to their  
trust leaving the people a prey of Government  
however well or wisdom

To inculcate such doctrines on the  
ignorant & unthinking part of mankind as to tempt them  
in consequence

conscience because any one of the people if they are  
may lawfully con-  
troul those who are not the Government who consequently  
have no power at all Then cannot the two supreme gov-  
erns in a state at once

as it really is on the day of Election  
there is no Legislature to represent the sovereignty of the  
people they are already but the first mo-  
ment after the

to come because all the power that was  
formerly on them is now by their own free & deliberate act  
transferred to their representatives & so exceeding diffe-  
rently no doubt

along with them & such indeed are as  
certain & evident as any thing in mathematics but in  
the propositions when ignorant & untaught & artful  
Demagogues are flattering the people to encourage them  
to rebellion & exciting them to oppose a right that

learning a just & quiet an undisturbed appreciation  
of such political doctrines it becomes a mere duty to put  
young people upon their guard that they may not learn their  
political notion from an unthinking mob or from some paper  
which is old & worn but that they may learn to judge for  
themselves & to distinguish the maxim of reason & wis-  
dom from the ravings of ~~and~~ blind enthusiasm & the inspi-  
rations of rebellion & ~~partisan~~ anarchy under the  
name or title of public liberty —————

A Free Constitution is when the people have the election of their  
legislators & governors This is the highest conceivable degree of liberty  
& people who are subject only to laws made by their own representatives  
thus preserving their condition as the object of the envy of all the nations  
of the Earth but wicked & designing Demagogues will tell the people  
that they are not free unless they have an arbitrary & despotic  
magistrate over all the Laws that are made on their representation  
which is  
contrary to all forms of government whatever republican or well  
as monarchical the power of inflicting justice on destroying  
a Society

is not liberty nor ever unthouships but it is plain robbery or rather rebellion against all government. There can be no right in any man to do what where a wrong of one want to interfere their vicious passions to take away the property of their neighbours & stop the course of justice they ought not to call this by the name of liberty though their Demagogues will tell them that this alone is genuine liberty but it is the object of all laws in the world to destroy all liberty of this kind because the law is intended merely to check the vicious inclination of men invading by one another.

The just laws relating to the Constitution are such as confers on the Magistrate sufficient power to restrain crimes & to defend the community under such limitations as are judged sufficient to prevent the extravagant abuse of this power & the Magistrate or judge by a act for the community has a right to their assistance in the execution of his office as he exercises his power in defense of their rights & punishing those who attack him but when the people are taught by their Demagogues that their liberty consists in resisting the magistrate when doing his duty in hindering the course of justice or the punishment of offenders they thereby destroy the object of their own rights & as inviolably as a man is do who would turn her own house or slay his wife & children to hinder her liberty the power of the magistrate is the power of the state & the power of the law I therefore every man ought to strengthen & support it

as much as possible bcause it is the arm of Justice stretched out  
to protect the weak & innocent against the sudden & unjust In a  
word of the magistrate has no power the law has no power &  
impunity over all the  
property & rights of community To choose magistrates who are either  
incapable or afraid or unwilling to act is an insult upon your  
most & deplorable a hand of justice & good order what sort of Magistrates  
would thieves Highwaymen Robbe, Robbers &

community? or that Magis-  
trates would pick people else if they had the election of them surely  
they would rather elect none at all or pick one whom to be equal to  
none on account of their incapacity or inactivity yet the most  
popular mode of electing magistrates that is taught by mo-  
dern Demagogues tends to reduce things to the very same situa-  
tion as if criminals were the sole Electors of the magistrates  
because when it is laid down as a maxim that a person cho-  
sen

timed or insignificant in order that the people may have no  
thing to object from his person this is making the worst possible  
use of the powers of election & rendering the office of the magistrate  
contemptible a will as if it were on the contrary every good  
citizen ought to endeavor to make the magistrate office  
respectable by choosing men of the best characters

in the discharge of his duty this tends to strengthen the laws & increase  
the security of every man's rights. In the rude and ignorant ages of the world men commonly chose to worship wood  
or gods because they could do nothing against them as they pleased &  
had no vengeance to dread from them the same is the case with

Magistrate from whom nothing can be said & under whom  
they may live in the most savage manner as if there were no magis-  
trate or laws whatever in the country & the other Demagogues  
tell them it is the highest wisdom & the great Bulwark of their  
liberty but suppose any of these wise rulers were to incur any  
injury in his person or property

or protection<sup>of</sup> can he apply to any effect

an act of

redudancy: even the most worthless & foolish person has a  
body full of insects & would then desire that his right  
should be defended & his wrong avenged no magistrate can  
have it in his power to do any good unless he is intrusted  
with a degree of power that would likewise enable him to  
do great harm a power is a two-edged tool that may be  
turned either this or that way according to the disposition of  
<sup>two ways of</sup> preventing the abuse of power in governors namely either

by delegating sole power to them & surrounding them with  
such a number of checks so that they can neither do good  
nor harm or by delegating a sufficient power & committing  
it to a person of virtue & uprightness whose character would  
render him incapable of abusing it

has never

been the popular one & Demagogues have uniformly violated  
the doctrine of delegating little or no power on one man of fear  
that it should be abused but truly with an intention that  
it should never be used at all we have far that overdone  
the power of the magistrate merely destroying Society & tying  
the hands that should fight for us when our bones are attacked  
but every thing to be given up to the discretion of the magis-  
trate by no means but the true remedy against abuse of power  
is to delegate a sufficient quantity of it for attaining the end  
of government & to commit it to men of virtue & moral  
principles who will do no wrong for thus our fathers & who  
lived & upheld the right of mankind to attain so valuable  
a blessing

undoubtedly ought to be incurred but this is almost  
totally removed by choosing wiser men of that system  
which is so hateful to Demagogues could one be got introduced  
Demagogue uniformly teach that all men are

Opposers always they know themselves to be few

that there

can be virtue in another but to plan their whole party  
on choosing vicious men but giving them no power to hurt  
them but if it should be said that even virtuous men  
are apt to be corrupted by the possession of power surely  
the limitations of time & the infidelity of even magis-  
trates for his conduct an frequent pleader against anything  
of that kind but if it be true that virtuous men are apt  
to be corrupted by being in possession of power even for a time  
This objection must militate much more strongly against  
the choosing of roughed & ungraciated men who are corrupted  
already & who certainly must be much more disposed

to do

The most perfect laws relating to civil rights are such as  
secure every person in his state the great object of laws is to  
keep the members of the community from encroaching  
on each other or from retaining or possessing themselves  
by violence of what does not belong to them the law ought  
to interfere in power to hinder every man that endeavours  
to slip out of his place

effs clops  
for in order that every man may have his own which is the

qual & shifing of government

to another if he has got it into his possession  
to prop up himself by violence of any thing to which another  
has right It is indeed a maxim of the civil law that every  
w<sup>m</sup> man shd remain in his possession

only when the possession was  
not obtained by violence or by fraud "In rebus dubiis causio  
est condic<sup>s</sup> p<sup>re</sup>identis" but when one has entered onto prop.  
non by force or fraud that shd be first removed & the  
worded

explosed to the lawful & peaceable possession upon any dis-  
covery of the right either place lawfully a scuffle or fraudu-  
lent only being a palpable injury

Legal even when a man is  
resorting into his own right ought to be redressed first of  
all & then the right

possession gives a great advantage but that cannot be a  
lawful advantage when a man uses to himself by  
force or fraud the advantage

petit or reclamation cannot apply to  
these cases when the possession was obtained by fraud  
bona fide possession an injury certainly cannot give any

man a right now or forth entry being an injury  
a possession gained in that manner can give no legal ad-  
vantage to the possessor but ought to be redressed immi-  
diately Laws relating to crimes enforce the form of  
trial & point out the evidence

The offence of a crime  
consists solely in the unconsent injuriant or we have proved  
at large inflicting the morality of external actions yet  
then must be worried by overt acts

Statutes that define & constitute crimes are to be strictly  
interpreted & their meaning ought never to be extended  
beyond the obvious & grammatical sense of the words  
Construction therefore or crimes based by analogy are con-  
trary to justice the law must mention the acts a crime  
before any person can be indicted or accused of it. The  
following are the chief maxims of natural law relating to  
prosecution just way persons to be condemned in court till  
he has proved to be guilty more than a dozen as well as that  
which we quoted just now must be understood in a literal  
or in a qualified sense

Professor —

he must be confined in order that he may be tried & that  
the magistrate may have it in his power to punish him  
if he is found to be guilty thereof. The law ought to  
allude in every case but nothing is to be inflicted upon  
him that is not absolutely necessary for confining him & refor-  
ming him to a regular

manner or vex-

ations. That no man nor the most solemn  
acquittal can indemnify him for his life. Every wise  
political constitution ought to discourage & punish execu-  
tions first or an insult upon justice  
of the punishment of one who brings  
a malicious prosecution ought

inflicted on the accused person if they had been  
found guilty. The testimony appears to be the best rule  
of proceeding in this case but most constitutions are cer-  
tainly inattention to the interests of the public in this  
respect by leaving the honor of every man at the mercy  
of every villain who will be at the charge of a vexa-  
tion.

acquittal is only such halting damages as a injury  
of 100 men generally, with strangers to him will be pleads  
to award him. The greater offending a Bill by a grand

jury before any person is put to trial was certainly designed for & suited to the award & for the prevention of sudden executions just but ought not to stand

unjust law.

restrain the natural tendency no damages would be awarded for a prosecution that had been ordered by a grand jury it seems to be a law of nature likewise & is actually adopted in the laws of Scotland & on that of Geneva

Bale that he will submit to the sentence at Court in case he fails.

strictly appointed and bale is thus accepted for the greater but he must himself go to prison at the

time is guilty or both parties are by this means equally satisfied both damage & interest paid for and the person to be sent to the session of defending themselves

the person who wantonly puts them to that expense & trouble the laws of England however unfortunately countenances their prosecution Admiral the

latter we oft hear good rising yet he had no relief

August 1801.

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was acquited by the help of bearing  
not from Page

Lord In some form of go-  
vernment there is a commissario publicus or attorney  
general appointed

ex officio & against whom no damages  
can be awarded as he is not supposed to have acted  
from malice. In some countries however par-  
ticularly in England the law of prosecuting crimi-  
nals except in cases of high treason or left to private  
parties

In the administration of justice  
& a great encouragement to crimes in England that  
when a person has suffered an injury he is obliged to sub-  
mit to a still greater one

prosecuting & concluding the crimi-  
nal so that in the first & greatest number of cases the person  
who suffers an injury finds it much more for his interest  
to put up with his loss & to suffer the criminal to  
escape rather than to incur a far greater loss by  
having bound over to prosecute & punishing

Criminals is

one of the great ends of government for which Taxes  
are paid athenor according to justice ought certainly  
to be defrayed by the publick for so od that every citizen  
may have full protection in the enjoyment of his rights

criminals are extremely hard & unmerciful  
the for a man to be obliged to defend himself at his own  
great expence if you after having paid Taxes to government  
e protection

therefrom to be absent in all forms of government with  
regard to this point those who are really zealous for liberty  
would be much better employed if they would apply their  
energy

care of their bound & in endeavouring to introduce some reform in  
to give the government with regard to the rights & defence of men  
it may even be disputed whether governments are not obliged in  
consequence of the contributions of citizens to defend their civil  
as well as their personal rights at the publick expence as there  
must always be a flattery almighty in paying taxes for defence  
& protection & yet being obliged to defend & protect ourselves  
whenever we have need of it if Demagogues were really zealous  
for the liberties of mankind they could rather study to  
give this real right than to profit in the popular minds that  
they have a right to overturn all publick order unknown

under a finally on the slaves of State & ought not to be permitted in a free government a legal & fair trial ought to regulate equally to the accuser & the accused each ought to run the same risk & to suffer equally when found in the wrong & all modes of legislation that falls short of this end shall not only want of ideal proportion but of that degree of proportion which

accusers confound the greatest misery of man kind under the Norman Empires as well as under the modern inquisition -

Act. 177<sup>th</sup> April the 16<sup>th</sup> 1709 -

The genius of arbitrary government tends in a quiet day to destroy the confidence of private life to exalt men to tracking & distrust & ingratitude etc render the quiet & retirement of private families & even the security of fraud suspected by encouraging informers taking advantage of the people on a unguarded suspicion of men to draw them into crimes & suspicious discourse or to man whatever can be said upon the spot of the Praeire watches his private conversations & puts suspicion on his words when he never meant or imagined all this from a companion where none ever intended it The Norman law required the accuser to come on to court & to be

confronted with the amphitheatre & it was the departing from  
this rule that rendered the days of the Emperors so impuni-  
ble to the citizens a constable or an Emperor's freedman  
a Prostitute or a gladiator were all at any time to run the  
most illustrious & virtuous citizens by insinuating that  
they were not loyal to the reigning Prince & as soon  
as they were apprehended they were immediately treated  
as guilty & despatched by their friends & relations for fear  
of sharing the same fate the 7. law

that no man shall be obliged to give evidence  
that may reflect himself as the instigator or informer by offer of  
rewards to betray the confidants of his enemy is a direct attack  
upon the social principle & consequently against the law of  
nature. It is endeavours to make any one bear witness against  
himself or contrary to the law of self-preservation. His acci-  
sing men to a sort of curse to bring them & array themselves &  
expel them places of punishment by that our confession  
of a man's testimony is not to be sustained when it is on his  
own face surely his testimony against himself ought not  
thus to be followed nor expected. Having a maxim of the  
civil law "numen tenetur parum in suam suscepit denum"

in order to excommunicate

Professors they themselves must first be assured of Pardon  
otherwise their testimony might be fatal to themselves but  
when by a pardon their own interest is put out of the question  
they may then be obliged to -

themselves as well as others. The 3<sup>d</sup> Law is that no  
one shall be forced into confession or deformation of any sort  
The jealousy of Tyranny first gave us the torture and  
will be the companion of Tyranny as long as it exists. Ty-  
rants having supinely bad minds & acknowledging all man-  
kind alike imagine that torture will always force  
a confession of the truth but on this they show them selves  
entirely ignorant of human nature because not only great  
courageous minds but also full of Foresight & men of  
firm nerves will be able to baffle all the power of a Ty-  
rant or their suspect a Tyrant incapable of confounding  
the injustice of Torture nor the absurdity of torturing

Torture is a torture pun-  
ishment to inflict a punishment with a view of extoll-  
ing a confessor from the first position in order to apply to another a  
greater punishment in an infell on the laws signature as well as  
on the form of justice. Some in that humorous work entitled  
Anacoco Kuntosis

Claudius resurgent.

him as condemned in the other world immediately after hearing John's accents in the same manner as he himself had condemned many others during his lifetime & he observes that Claudius thought that way of spreading unjust truthe than now.

"magis quam novam" torture can never be a good. to truth but merely a trial of the stubborn & Jones temper in the strength of their not very constitution so that it militates equally against the just & guilty & that of self preservation. It is inflicting a punishment

on accused persons as guilty & attempting to make them confess against their own life when many have actually done in order to be delivered from torture by death confessing themselves guilty of errors which they never committed & sometimes of crimes which cannot in the nature of things be committed

many poor old women in order to be freed from torture etc to be turned to death one for all have confessed to their ignorant judges that they had carnally conversed with the Devil in a way fit for that they had sold them over to him a such stuff as the most ignorant indolent wretches faintly swallow at present the profane thing of India has ended abolished what was

enacted punishment but the genius of arbitrary government hinders him from establishing...

would be for condemnation to impune offenders & to disuse their accomplishments. We doubt not whether arbitrary power could ever think themselves safe until they perceiv'd themselves surrounded with the terror of such a power. The usurpation which upon the same method has long since obtained the object of the despotism of the just & virtuous part of mankind. The 4<sup>th</sup> law of nature with regard to trial is that no man shall be punished unless he shall have committed some actions that is manifest & notorious.

government the most habitual way of ruining any one maliciously is to accuse him of treason or conspiracy against the life of the Prince because the jealousy of Tyrants renders all

it may be expected that many will abuse their own loyalty by bearing witness against him a Tyrant who unmercifully to be the enemy of all will very easily believe that all an enemy of his enemies & the most malignant suspicion will appear probably to a person who knows that he has offended the head & reputation of the public sometime the hand of a Tyrant or his tools is not destroyed by an accusation of treason but of from real enimy in order to destroy a person & his character at once though indeed it is much easier to suppose

that a good man may be an enemy to a bad government than  
that he should be guilty of one against his country. In a military  
government false & groundless accusations are doubtless  
dangerous and it is not only probable that they will be supported  
by false testimony because the few who are provided with false  
evidence will not be without falsehoods but likewise  
in military governments men are much afraid to decide  
what is against the crown what proves the justification of  
many innocent persons

almost the same thing whether  
the general is guilty or not guilty a perjury of it being  
punished for their own clearly hardened Tyrant against all  
remorse for the use of the torture & all the cruelty which  
they commit they are called by the name of just & whole  
some friends or no man will call himself a Tyrant &  
even the Scamath insurrection calls itself the holy office

actions criminal two witness above exception  
are requisite to prove any crime the law of England by  
providing in many cases upon the evidence of one witness  
makes a less departure from the law of nature as well as  
from the civil law though even this does not with the ap-  
probation of some of their lawyers anything can be so  
abrid as to want evidence in all cases. It is possible indeed  
that two or more witnesses may conjoin to take away an in-

but this  
is so improbable that the law infers the contrary in all cases  
when no objection can be made to the character of the witness  
Others must be affixed with perjury guilty & it is ruled  
not admitted There could be no means of convicting the guilty  
in many cases whatever malice threatening conviction with the  
accuser want of full age or want of understanding even  
family are valid objections against witness by the law of  
nature those witness ought likewise to be

evidence or  
have received any benefit from the accuser before the  
law distrusts the prejudice of men in favor of their near  
relations Patron & Benefactors so that the evidence of  
a man wif. children forworts or near relations cannot be  
admitted in his favor though they may be admitted against  
him but it is scarcely fit and to call a mans near relations  
to bear witness against him than it would be unjust to  
admit their evidence in order to exculpate him The often  
blushing this rule arises from the same necessity as that  
which makes the testimony of two witnesses sufficient  
there must be general rules for conviction a note just  
can possibly be established that may not prove hard  
or hurtful in some instances thus E G the if a man  
our family & his near relations may bear true witness  
in his favor if they were admitted as the witness where  
they bear against him may often ground from ma-

be conformant w<sup>t</sup> the law having always reference  
to the greatest number of instances

or the last If no overtack could be provided the parties ought  
to be acquited because the law knows no other way of inferring

government often admit  
injurious intentions & such a wound shall tally madly with  
in other cases If a Roman Citizen was found murdered  
in his own house all his slaves were put to death  
indiscriminately being by the ridiculous laws of the  
Roman State made answerable for one another tho'  
They had not the diff<sup>nt</sup>al even of themselves on suffer-  
ing naturally lead to another The absurdity of La-  
vory did that manifest to make slave answerable  
for the behaviour of one another though they were di-  
vided of all power within themselves In the rigor of  
this we are informed by Plautus that P  
S governor of the city of Rome was slain  
by one of his slaves though he had more than 400  
in all They were all put to death indiscriminately  
by order.

injustice of such an execution ordered

would be governed & what ever been made a subject  
of deliberation.

on the Senate wif  
did chiefly on the safety of the master & the safety of  
keeping slaves under fear but he had not discernment  
enough to observe that the fear of the master was the  
sole cause of that fear in which the slaves were constantly  
kept

condition & as unavoidable to the master  
as it could possibly be by the slave. one cannot perceive  
or renders thousands of their misery & when men have  
infringed the law of nature for their own interest in one instance  
they must do it over & over every day of their lives to  
maintain the just injury. the 5 law of nature concerning  
murders that that it is better that the guilty should  
die than that the innocent should suffer if the condition  
of human affairs could admit that all the guilty should be  
actually punished it would be certainly lawful to do so  
but as in the nature of things the guilty

for legal evidence  
very many crimes must remain unpunished but it is evi-  
dently better for human society that the guilty should be  
the case than that the innocent should be condemned -

condemned in a hot cap no distinction would be left be-  
tween the innocent & guilty a standard of evidence  
therefore is necessary without which even the most guilty  
should never be punished

unjustly The ultimate design of human laws agree-  
ment is to make things better not less which belongs  
not to the present state so that that may be called a  
very good government in which all crimes that are  
legally proved are duly punished through a great ma-  
ny criminals escape notwithstanding their guilt for  
want of legal evidence an object sometimes lies against  
this which is sometimes even as heavy & unanswerable  
as the want of evidence itself we mean the expense of le-  
gal prosecution a grievance which though it must

not be firmly attended to by any thought in the present  
age the want of money as often as the want of evidence  
may be the cause why many criminals are not  
so very chear

not be too much followed or practised out of mere wanton  
of.

member when really necessary. & the 6<sup>th</sup> Law is  
that the object of punishment should be to correct the guilty  
& to deter others. The just proportion of punishment  
to crime, though far part of natural Equity has never  
yet been sufficiently attended to in Legislation & though  
the anticks had learned to claim the freedom of the  
Slaves who made all faults alike

conduct the Establishment of slavery  
introduced a disregard for the law of men & such a hard-  
ness of heart & undervalueing the safety of man kind in  
general as is very uncommon in their history. Punish-  
ment ought to have two ends compensation & example  
as the commission of a crime is the cause of Punishment  
the Law must inflict evil on the guilty or compensation to  
society for what evil that he has done to another. Some Mo-  
ment the Politicians endeavours to soften

of Punishment  
but this is frankly over practical & in most cases even to  
attempt it would be ridiculous, as well as an insult upon  
justice & upon the feelings of society an honest old woman

is not corrected or reformed by being hanged through the body  
is evidently delivered from the fear of her injury in future

of Capital punishment & to hope for their correction  
or amendment is little short of madness. The object of punishment  
most ought to be the purity of society which is certainly most  
effectually secured by the death of such offenders Virgil who  
never however understood very properly what was the real  
object of public punishment viz "purity of <sup>society</sup> as appears by his  
Highwayman of  
the time" montes ab hoc lapidem ligatus

"Note dieque tuum carpi vicerit iter."

L

When the nature of any injury admits of the possibility of compensation this ought to be the first object of the law & this cannot properly be called punishment except in so far as it is done against the will  
having only restoring of the

rights of which he was in possession  
before the injury was committed but when the injury is of such  
a nature as that it cannot be literally compensated then the  
lex talionis ought to take place & the person who cannot pay

affts in money for the injury that he has done ought to forfeit his  
liberty & be subject to corporal punishment by way of indemnification  
for it & here the maxim of the Roman law takes place "Quod non habet in crimen but in corpore" The Legislature of the  
State have come nearer to proportion punishment to crimes  
than has been done hitherto although it is only to be wished that  
the method of punishment be faithfully executed & applied to  
all crimes for which it would be a proper punishment. Example  
which is the second end of punishment & over the opinion of  
innovators that the reformation of the Criminal is one of its

punishments that are

strongly in favor of

the argument ordina-

rily urged in England against all punishments of this nature  
is that they are contrary to humanity but this is really ridiculous  
as a man's liberty or certainly more infenged by his being hanged  
than by his being imprisoned or condemned to hard labour for  
a limited time. The suffering of evil by the Criminal even  
though it have no tendency to make any compensation  
to the injured is not however a fit but publicly demon-  
strable. The strength of the Law consists in the severity of  
punish. custom by deterring other offenders from attacking  
the rights of others. The vulgar are more to be wrought  
upon by actions than by words when they see the con-.

guilty of breaking the laws this is the most effectual warning  
capable of

a long time must operate much more strongly than the transient consciousness of an execution which is forgotten as soon as it is over thought less & unfeeling men naturally dread a life of labour & much more than a shameful & painful death & therefore the inflicting this upon them who happen to be done in the state ought to be a more effectual restraint than the former method. It is now argued that a continued punishment of this kind burdens the sufferer against all shame & disgrace him for falling into this misery after he is relieved. This argument would have some weight if the whole of the present punishment consisted in shame or if it could not be apportioned to the same person for new offences but if the argument have any weight at all it ought however to be said that men come to be ruined by hard labours by habitually undressing it & that the fear of it will not restrain them in future but the person who uses the argument from shame will not extend it their fear though it be of no manner of form unless it were to be so intended & the probable operation of that principle are sufficient from whom the offend, on many causes for instance the state of the country towards the offender belongs the moral characters of those of his neighbourhood & especially on his own character & feelings in a law & impotent state of society where the sense of honor and honour is extremely rare it would be quite ridiculous in a legislator to have any de-

## hondam on shame

any man has of shame with regard to his quantity degree operation or else depends entirely on the nations which he enters into the company that he has kept & the character of those who friend his confidence may appear sufficient to him more than during the case It will not be difficult to point out in an impartial state of society many persons who not only have never been confined or punished but who have been raised to the highest honor & put the trust by their Country men who are however as hardened & as much lost to shame by the habitual practice of falsehood & treachery as any criminal can be supposed to be after being 30 years condemned to hard labour & exposed to the contempt of the public.

many men are freed of their punishment for crime tho when the crime is not murder the punishment is

the 7th law of nature concerning crimes is that the punishment must be not less as it is humanity or offend our society more than the crime itself Civil punishments are a approach to a legislator & works on a nation when they prevail the execution of Masters on slaves by breaking their bones one after another & leaving them insensit for more than 2 days

Spirit of an arbitrary monarchy.

The punishment of Brasafute which was inflicted on slaves & mean persons by the Romans was a diabolical invention designed only to display that cruelty & inhuman hardness of heart that is now daily imposed by the institution of Slavery rather than any regard to justice especially when we consider that this abominable punishment was often times inflicted on unhappy poor men

of small value for selling a little game or venturess from a drift or for staying too long on any errand some masters who desire to gratify their persons without losing their slaves. Such persons consider when yearly flogging their slaves. It is better that slaves when ever they grow angry at them in such a manner as that they can't be punished

Sunt que tortonibus

the Dignity of the law & the dignity of human nature is insulted by such punishments which exalte money

No one a poor soldier 500 or 1000 lashed which is frequently done in England both in the army & navy is liable to the same objection. The mind of a humanity of the fourth race in

enacting

the insulation of all legislators who do not ration their  
jubes too wry to be instructed if cruel punishments can  
ever be necessary or lawful in any case It must be when  
they are required by the Laws of God as an equivalent for  
a shocking murder or any crime that is perpetrated with  
great malice or when the nature frequency or danger of  
crime requires additional terrors The law of England or-  
ders those to be condemned to death whether male or female  
who refuse to plead to a criminal indictment & this is  
so far despicable on account of the danger of that crime be-  
cause if a person could escape conviction or punishment  
by not pleading to his indictment there could be no concre-  
tion or regular punishment whatever the law itself condemns  
a culprit to be bound to death if he is convicted of poisoning  
a woman a woman to be bound to death when convicted  
of the murder of

The intention of the law is hu-

mane & benevolent & designed only to defend the ~~domi~~  
nistration of justice to secure the confidence of private life  
& to add terror to the punishment of crimes that are  
most shocking to human nature

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exemplarily punished & the Punish-  
ment of which is common among the Masters  
& the Masters often inflicted on the slaves by the Planters  
of Jamaica which often last several days an induction of  
Satalbial lenity & a scandalous nature in order to  
juice legal rights &c. insuring that the laws should be  
glorily interpreted & rationally applied but on the quate part  
of political Constitution there is a very great diff'rent  
respect to civil wrongs or offenses we say the laws of Society  
are generally to much distinguished from crimes against

There are many civil offenses  
for instance which if duly estimated would be found deserving  
worthy of being ranked among crimes against Society  
& Punished accordingly E.g. Fraudulent Bankruptcy  
notorious

breach of trust habitual falsehood

& breach of faith in common life of we consider the best  
that they do do society will be found to deserve equal  
punishments as Theft & Robbery & in many cases of  
this nature capital punishment might be judiciously  
applied according to the estimation of natural equity  
Crimes of this nature ought to be subjected even to greater  
punishment than Theft & Robbery because they are

Severity of general commercial life to a much higher degree than theft or robbery could ever do besides they are more injurious to private rights & no prudence whatsoever can guard against them now if the criminal law were extended to theft excluding compensation in the first place on case when property was injured it might be of singular use for restoring credit & confidence & preventing fraud in society & cannot be prevented in any other manner so rational an extension of the criminal law would do great honor to the legislator who should adopt it

case it would not fail of being copied by other states & nations & would tend to unmash the severity of human cruelty & the defense of the rights of mankind under the government of laws discretionary powers are not safely entrusted except the judges named by the parties or to be duly purged by the challenge of parties & equally entrusted to protect the innocent & to punish the guilty by all belonging to the law to determine what action an to be held against etc the jury to determine whether

Mr. Charge

In the administration of civil justice the cause  
is the same the business will depende whether of the parties is in  
juries or guilty of a suit before against the other in this  
case did a contract as well as penal ordene an employ  
it to determine whether of the parties is guilty of a civil  
cause as commonly supposed to be a capital knowledge  
to afford the most effectual defense against the corruption  
of judges they are indeed a party against judges because  
they take the business almost wholly out of their hands  
but who shall be parties for the juries themselves? be-  
ing in possession of power for a very short time they are  
as much under temptation to abuse it as judges can  
properly be indeed much more so because they do  
not exist as a body any longer than during the sitting  
of the court & if they give any verdict that is scandalous  
or shockingly unjust the infamy of it falling upon a  
number is scarcely or not at all felt by individuals

in proportion to the actual state of undiscarding moral  
ity that is generally prevalent in that vicinage

washed as though

of 1st, 2, 3 or 4 years may

when the political constitution  
conjoins with the legal judge, in order more effectually to con-  
vence the publick of the unrightness of their sentences when they  
are thus found to be the same with those of the good people  
of the country.

Hence the number agreed in England in the same with that  
of the

15 in number the juries returning verdict of 15 now  
the intention of the political constitution in this matter seems  
to be to add the equity of an arbitration to the solemn-  
ity of a legal decision. They may be said in some  
as they have a right  
to challenge or reject as many of them as they have any obvi-  
ous agreement with the judges have discretionary power  
over the right of parties as much men.

permitted which is always left  
to the discretion of the magistrate in the security of the rights  
of citizens of men and political liberty properly con-  
firms Civil liberty as opposed to injustice but not to restraint  
as the ignorant and apt to imagine for liberty cannot fulfill  
without the imposition of the restraint of just laws  
otherwise the effect of liberty would only be the disturbance.

tion of the right & laws of men by one another words  
that are undefined & of no determinate

specally of they are conuerted to  
relate to the general concernes & rights of mankind The  
words Law & liberty as well as vertue & religion are  
terms that are very often abuse & erroneously understood  
thus law has often been applied to the men who have lost  
right & liberty to the

is extremely apt to be misundrestood  
a negative term being as it were a vanity into what a  
man might claim any thing whatsoever that occurs to  
his imagination or gratifies his passion hence liberty has  
been often understood as an exemption from all law &  
priviledge of not being bound either by ones own deeds &  
negligencies or by the laws made by his representatives

justin  
convincedately distinction of civil society but the way  
to understand liberty aright is not to consider at the ex-  
clusive propriety of an individual which is the case de-  
pendent of Despotism in a state where the Despot is the  
only man & all the rest are his slaves but we  
ought to consider liberty as equally the birthright of

rights of another? or by an endless & uninterrupted reciprocation of injury & revenge such proceedings would soon ruin the liberty of the greatest number by extending that of a few & manifest therefore that the liberty of a society must suffice in the whole of them being restrained in the justest manner by the law within the exercise & enjoyment of their own rights & effectually prevented from encroaching upon those of others so in this manner only that every individual can be free for that is true liberty when every man professes all that belongs to himself & when none professes any thing that belongs to another the indulging of any one to the hurt of others is directly contrary to equality & proportion which is

individual

in the possession of his own rights by restraining all from going out of their place & by punishing those who either under pretence of right or liberty encroach upon the rights of others

# Lecture 179<sup>th</sup> April the 20<sup>th</sup> 1789 -

constitution. Ais only unpaired by

thus members thus the Norman  
Senate after the expulsion of th. Kings enjoyed the same priviledges as  
formerly distinguished from the Knights & commoners only the fore-  
nugly was transfered to the annual magistrats who were elected  
by the people the Magistrats of Holland or becoming a private  
chose to retain only those priviledges y<sup>t</sup> had been formerly gra-  
ted them by the Count of Holland thus ancient founders etc to  
put a freeholder first elector a then hereditary in his place  
in the assembles of Venice & the Kingdom of Poland all the  
liberty of that enjoyed belonging only to the nobles & the rest of  
the people an as nothing being given to the others & even in  
the great charter of England

as mentioned in it  
according to the first interpretation of that Charter all that  
inhabitants of England are more bijuris & not denied into  
the benefit of the laws they indeed are the most fortunate  
laws which distribute the Benefit & the Burden of civil society  
in the most equal manner but it is no small measure of liberty

*to be friend*

To be defended against injury & to be maintained in the enjoyment of our own rights, will procure every rational lover of liberty, but the losers of rest & confusion who often disrupt this purpose. & pretences under the name of liberty would always include under it the liberty of robbing others with impunity of their possessions. The weak, following the administration of justice & destroying the rights & happiness of men such people as these can never be had in too great estimation as being rebels to order manners to prevail & a scandal to the name of liberty. The political happiness of a people consists in the love of their country & in that distribution of ranks & of free which is best suited to their merit & capacities. The idea of a just government or political constitution implies the putting every member of society in that place which is fittest for him & maintaining him in his place & in the enjoyment of his natural rights so far as is compatible with the safety of the Society and the rights of all others. Men that are raised above their natural places or their places which their masters & masters give them for an property & casting as much injury by being put out of their place as when they are most losers their due place & denied of their rights & knowledge to which they are intitled. The human Body which consists of a number of parts properly arranged is commonly considered as the best representation of a well ordered Body Politic & as the due arrangement of the

different cast completes the helpfull liberty &  
usefulness of the natural Body the like arrangement  
of either disposition of parts is not less beautiful rational  
& manly in the body politic when a man stands on  
the crown of his head his feet are exactly as much too high as his  
~~head~~<sup>is</sup> too low

The next natural. now the happy  
turning position of a state which is commonly recommended by  
the

most healthful to the Body politic as it is the natural body  
the liberty of a man with regard to his Body consisting in the na-  
tural & propriefty of his limbs but in walking upon his  
hours or working with

retrograde motion as Gamblers

Sometimes do in like manner that place is left for every  
man as a member of the Body politic which he is capable of holding  
& which may be called his own place for the like reason the  
natural Body through full conferring of the same parts or numbers  
action  
except when every member of it is in its proper place It is  
uncommon for ignorant people to mistake the nature of a repub-  
lican government as being that because

there are  
no distinctions admirable among them but that they are

when the

blud or diffrent that in a Socie who cannot be differned  
from each other & that all of them are equally qualifid for the  
higher lower or middle places in society This is a delusion arising  
from ignorance of nature what produces men with very unequal  
capacities & talents for society & commonly determine their condition  
by the degree of talents confid on them now although  
that it is readily granted that the rights of all men are equal  
yet their talents are for enjoying these rights & specially for  
maintaining them are often very unequal Thus when a man  
is non compos mentis or an infant or a minor he is inca-  
pable of enjoying or defending his estate tho' his right to  
remain inviolate now with respect to affairs of state or  
civil dignities there is in many may in most of those  
who have the right of citizens as complete & permanent in  
capacities as that of non compos as the enjoyment of  
a man's estate now although these incapacities do not  
take away the right yet they totally defall that person  
whom they affect from enjoying that right as long as they  
continue Thus E.g. if a man is born blind he will not  
be very fit for piloting a ship or commanding an army  
or if he is dground of himself of all his limbs by a  
dead party he would not be a very proper person for bearing  
an Execution to carry the General orders with expedition

of a blind man or a Paralytic loosing off his offices is no sort of  
injury to him nor any denial or infringement of his rights but the  
consequence of a natural incapacity. In the same manner if  
a man had entirely lost his hearing or even if he had no ear for  
music he would neither fit to teach th. art & to conduct a band  
of music & would certainly performe injury though he were  
never thought of for such an office when the Pretenders  
forces were defeated at Culloden

on the in the field

a person so extraordinarily deformed that he excelled the aforesaid  
men  
that in jott headed had an immense wen or his nose drawn  
up & crooked backt his legs bent like a bow & the feet turn-  
ed almost quite backwards this extraordinary deformity  
the pretender.

He replied that he was his dancing master upon which the  
judge observed that of all the officers about the pretender no  
person ever filled with equal propriety he was not at all  
surprised that his affairs had gone so far wrong. now  
from unles in explaining the nature of royalist government

to each other that they incur the ruffe of appoint-  
ments & elections more irrational & ridiculous than the  
one just now described

or contention & the excellency of political wisdom in  
managing the members of a republick consists not so much in  
nature than a true taste borders the fine arts. Then in ex-  
tent no reason why a republick should always be worse  
governed than a monarchy or aristocracy yet it must al-  
ways in part be unperfect in endeavor to avail it-  
self of all the different talents & capacities of its members

offers itself

complete rank in soely & determining by his legislation for  
the office & consequently unfitting for another. There person  
who is an excellent Seaman may be exceedingly ill qualified  
for many offices on shore & an excellent land officer may be  
totally unfit for the sea service now or the distribution of differ-  
ent talents to different individuals is the work of nature  
itself. It cannot be altered by any earthly power except  
one place to destroy it or to establish a ~~particular~~ <sup>stratagical</sup> as well as a foolish  
united attempt if we should endeavor to form the talents  
of men in order to bring them to a level it would be quite  
as ridiculous as to endeavor to change the qualities & na-  
tures of different animals. You have

" atque idem pugnat                                  malefactores.  
Others to shew a man to be a knott who does not know

Thus to indicate to their men who  
offer on a slate by the voice of men arbitrary election whom  
nature had totally disqualifid for these offices & if election c<sup>d</sup>  
confer qualifications upon a man which he had not before or  
controul & change the determination of nature any negative  
however small will probably contain w<sup>t</sup> it unless men who are  
not fit for every office belonging to a state now it is the business  
of electors instead of acting th<sup>e</sup> Disposh or making a Parade of  
their power by choosing whom they please & only because they  
please to follow nature & to inquire who among all the mem-  
bers of the state possess the nulffany talents for any office if  
dictors for instance should consider the offer of a judge as a  
man incorruption one & consequently elect to it a person who had  
neither honor nor justice nor knowledge of the laws their election  
would be formally good & legal being the will of the ma-  
jority but it would be materially wrong & highly injuri-  
ous to the publick the wisdom of the publick therefore ought  
to appear on the slate of their representatives affairs of state  
in the more regard that they shew to natural qualifications  
a moral worth they more they will know the intents of the  
publick we have not hitherto mentioned moral worth as  
a qualification for any particular office  
for all & like-  
wise because it is liable to be counterfeited a totally one

tended to try those

to offer in a country will always depend upon the moral taste of the Electors as well as on the general state of morals in the country for the time being. Selfishness or a spirit of regard to private interests is the greatest enemy of morality & the love of gain & a sense of honor are commonly its greatest friends but as we have just now observed it depends entirely on the moral taste of the time & the character of the people in general what qualities shall meet with praise & what kind of gain men are fond of for in an age E.G. where is nothing is reckoned valuable except money & when any method of gaining money is reckoned honorable enough grounding that it is praiseworthy. It can plainly be expected that those who are elected to public offices will be much more virtuous than other people & if they are not made responsible for their conduct & administration.

thus country &

the nature & degree of a man's love to his country

mode of

thinking. Thus if a man is vain & ignorant his love to his country will consist only in a foolish boasting of it & blundering on passing it to all others on the world & infusing no-

thing in the least amiss on its constitution administration

& generous but if a man has any notion of real dignity or  
is depraved of any moral worth or sense of honor & is disfavour-  
of the same as well as of the peace & prosperity of his country he  
will consider himself as intrusted with a trust of its requi-  
tation & endeavours by an upright & disinterested conduct.

when elected many offered that he did not accept of the  
offices from mere views of profit but with a design to be-  
nefit the publick when such men are praised they will pro-  
bably abound but when no praise is given to merit it is no  
wonder that small should be very rare & hypocrites will co-  
act the reputation of Patriotism & often

actions in order to be esteemed but

when money or party grumblers confute the only ap-  
peal for publick officer & on the only recommendation to  
the favor of the Electors the cap must be different Whence  
& party will then take the name & place of the publick  
& the whole of a mans actions words & designs will be  
devoid of those ends only men who are hotly set on the pur-  
suit of money will have little or no value for honor & in  
times of hot party zeal or in the scramble of private interest

honor will never be thought

part of human character an equal division of property is  
most unjust as well as difficult distinction & impracticable  
men must always be unequal in merit and after  
capacity & diligence & be pretend to make their group  
an equal notwithstanding or not only encroaching  
the rights of property but it is putting an end to all  
industry & supposing all reason. Equity & proportion  
no state could stand a single year or even the shortest  
period of time in this situation in which our country  
in politics would have it placed at all times men of  
property disengaged none but the indolent & worthless w,  
be placed & the whole of them must soon perish for want

would wish to throw  
in into but malignant nature will never be too strong for  
their attempts & even those who profess breeding principles  
whom they themselves acquire any property were it only  
from the plunder of others w, bear away as any to divide  
with other

exhibition of property & a community of goods nature  
& reason root at the thought of it & this cannot be only  
supported by a few indolent & worthless people who having

nothing to hope for from industry & desire to live well  
at the expense of others not being capable of supporting  
stained an  
awful famine & misery must immediately ensue

Lecture 100 April the 20<sup>th</sup> 1709 —

equal to each other in losing the chief ad-  
vantage of a republican government which consists in affording such  
opportunity for the natural distinctions to emerge from other  
only to corrupt the publick by those talents which nature has  
given them

" Ward

" Pisoanquille Domic.

Supposing that there are in monachus many persons possessed of  
singular & directed talents for publick business yet how shall they  
be employ'd & how shall they be introduced to the notice of the  
Court if they have not the interest of some greater or hap-  
pen not to be related to the members of the first principles their  
qualification will probably for ever remain unapplied & they  
will never be employed but suppose these same persons

give them an easier opportunity of avoiding them free of  
that natural distinction & clearly advanced to offices by  
the suffrage of their countrymen where they brought

government to mortify all men of martial & such a to hold a post  
to be in every respect equal to a wise man the world be a monarchy  
endued one of the worst kind & monarchy of slaves on which  
every office in government would be filled with the most unapt  
judges of the State for the purpose of demonstrating that folks  
were as well qualified for them as others in the judgment of  
the publick when Dinoerite the architect wished to become  
known to Alexander the Great he could find nobody to introduce  
him or to mention him to his majesty he was poor & friendless  
& almost hopeless though possessed of excellent talents in his  
art he found a resource however in his own invention which  
suggested he strip off all his clothes & anointed his body  
with oil like the wrestlers threw a lion skin about his  
shoulders & wore a great club in his hand in imitation  
of Hercules & in this strange disguise threw himself in  
the way of a King at a public ceremony

he called to him w.

was just what he wanted even conversation he easily  
convinced that differing from Poenit that he was capable of  
joining him & was employed accordingly he drew the plan  
of Alexandria built the city

moment Athos into the form of  
a man holding a city in one hand & passing a river out

of the other of Alexander had reigned clear from the

clashed according to their merit, to  
be employed justly to their abilities & to find the stations in  
which they are most likely to cultivate their talents, & thus  
wider, artificial or unnatural distinctions, such as, private  
and monarchical, an apt to confound & obliterate natu-  
ral distinctions & to introduce an inequality & dis-  
position into the affairs of the publick under their govern-  
ment, nor may be appointed to offices without having  
any merit merely say

thus ancestors but those who have now  
of these distinctions being confined in a more impartial  
point of view may be much more probably clasped accord-  
ing to their merit. Thus we find that under monarchy,  
the lower ranks & offices of life by not being crowded with  
professors,

filled than the upper ones  
when both & fortunes' often counteract nature & rugin  
In monarchies though the gallantries & depredations of the  
higher offices are commonly men of ability to compensate  
for the want of it in the to secure the  
interest of forces than the portmanteau & leather in the  
of a minister of State having perhaps -

ability or will or experience but the Master has all  
the credit of having their acts the principal character  
where no great honor or profit is to be got in an office  
it may probably be well & judiciously filled

circumstances

You when men are in their own place & have an opportunity of utilizing their talents & practicing their virtue they  
must feel happy & easy & be disposed to be pleased with  
every thing around them & rational love to our country arises  
from seeing all offices generally filled with proper per-  
sons such as possess the confidence & have merited the  
affection of the publick such a situation constitutes political  
happiness & exalts men to love their country & gives  
order & arrangement of every person according to her me-  
rit on the circumstances that since most to distinguish  
a country that is well-governed from a contrary now  
in order that a community may beound on the high-  
est degree its members who are in private stations  
should be relieved of publick anxiety & have leisure  
to attend to their own interest & those who are chosen to  
serve the publick ought to be relieved of personal anxiety

concerned only in what relates to the publick In order  
to be capable of leaving his country a man must first

content with the arrangements of others  
have persons that are in want despatched uneasly  
in their circumstances & varying the state of others are  
apt to be always with the government  
a political state of their country suspicion of the skill  
of the governors

on the other hand there is an impudent  
fellow who occupy a situation that is to their mind  
an always much attacked to their country & convinced  
that there is no place in the world where merit is better  
rewarded & that its affairs are in a most flourishing  
& hopeful condition.

by that of their own honor Dr.

Young reported as giving a most  
flattering account of the situation of G. Britain from  
many unimpassioned and which he found himself but im-  
pennable at the same time that a change in his per-  
sonal affairs could entirely alter all his views of  
the state of the publick

" Striken off his pension are the fitting sum  
" And Melancholy Europe is undone —

properly employed so that they may be pleased with their  
situation & will be a change of it because when they  
are really disappointed poor or unemployed they are  
ready to throw the whole blame upon the times & to  
conspire against government upon the same principle  
Men ~~else~~<sup>now</sup> have often ground sufficient & lucrative.

in order that there  
may be quiet & by having something to look in the  
present state of things may not be disposed to wish for  
a change on the contrary those who are disposed most com-  
monly to conspire against

indolence extravagance or intemperance  
who having nothing envy those that have anything & as  
fearful of losing from hand of their present situation would wish  
that all things were turned up side down imagining that they  
would be assisted by the change merely because they know  
that at any rate they can lose nothing till revolution  
in government an generally aided by persons of their cha-  
racters & of their deserts are not qualified under the new  
government they will be equally ready for a new revo-  
lution now all wch governors who really leave their

that purpose  
that they shoud be properly employed each of them sta-  
tioned in his due place the encouragement of all the

promoting of Knowledge & industry

not only because they pro-

fit the publick but because they occupy the talents of active  
men supply their wants reconcile them to their condition  
and prevent them from complaining of the constitution or admi-  
nistration of government their best measure whatever  
institute to the quiet satisfaction of the citizen.

admiration & esteem

of the publick & State is nothing else but a great family now  
as that family may be said to be well dispos'd & founded  
of which every member on his own plan doth his own work  
as much with his own reward in the same manner a state  
is happy in which the private affairs of the citizen amongst  
by in a good situation which much disposeth their mind to  
contentment & good humor for however highly some men  
may value liberty & who have no great estate the person  
they may relish it but can neither be good drink nor  
clothes to them without property must be a just take-  
less & despicable of the citizens of the united

States for that applied  
themselves with vigor to promote their private affairs to  
pay their debt,

to encourage useful arts to employ ingeni-  
ous & useful men who might do honor to their country

as well as left jangling about

Government

that unskilful foolish counsels prevailed foolish & dishonest  
men were on hand moderation was encouraged on that of in-  
dustry & men seemed to think themselves all princi- &  
as much

soil nor spin yet are gorgeously  
arrayed by these dis�racted counsels foreign Trade was  
encouraged instead of domestic industry & manufacture  
& though men loved their money yet as if they had been  
proprietors

in this Country they threw it away without  
thought by importing such an inundation of foreign  
luxuries as all that money & industry will not suffice  
to pay for such men and do not attribute their misfortunes  
to government which could be neither men foolish nor  
men wise than they themselves made it but govern-  
ment wanted strength wisdom uprightness & energy  
tho.

Settlements supplied with luxuries  
by way of tribute & now we have no money to find to  
market really wanted & should have endeavoured to

acquire

to pay for the expenses of government we  
have given it so bad a name among

wasteful people from fitting  
among us have all originated from our want of wisdom  
in our private affairs misjudging at finding out of  
money yet they are eager to purchase the commodities

to the cause they intend to blame & other the effect  
how much or how little wisdom there is in their conduct  
we need not say one thing certain that it ought to  
be laid aside wherefore our existence as a nation must  
soon come to an end if the abusers could be made to  
consider the state as the equal parent of all its citi-  
zens distributing equal benefits requiring equal  
powers they might then be said to be in a right  
way of thinking but the case is commonly the very  
~~reverse~~

unless the public Treasurer unless the public treasurer  
were constantly distributing paper money gratis

suggested that a sum should be lent by govern-  
ment to each equal to half their effects but what

proposition but an foolishly waiting  
in expectation that nature will make them rich by  
working miracles the industry & ingenuity of individuals  
is the sole parent of prosperity

Patriotism like every human  
spirit who have gained any rank will always be so  
much the better affected to society the useful arts by  
offering to every one a certain sufficiency.

perpetual & indefinite  
can never be too much followed or encouraged as  
they serve to make prosperity by labor without  
waiting for the will of the seasons. Indeed  
wherever the state confers political consideration  
& public lucrative employment to a particular order of  
men who sacrifice the right of the community

No doubt  
when every man has an opportunity to display  
his talents he may exert at least to have a  
much better chance of being considered &  
employed than in monarchical countries where

particular orders of men & the exclusion of others both  
the faculties of reason & the virtues of the human heart are  
best cultivated in arduous situations & in the exercise  
of public duties a censor capable of real censure will  
find his mind & heart insensibly delighted by it  
will be able to take pleasure in the prosperity of the  
public. To do some service at least even in an evil  
day is not a little consolation & the talents of men  
are not likely to shew with greater brilliancy than  
in arduous situations." "Vixatio set intellectum"

"Armies often in a master number?"  
For times of public

and what ever  
come in some degree the general corruption & in a man  
over freedom the character of the times then can scarcely be  
more need of such censors at any time than there is  
just now in this country

Dec. 10<sup>th</sup> April

To investigate the probable inflation or form of

government it is impossible to arrive at certain & determined  
The answers of such inquiries being more  
& hypothetical notwithstanding what we may conceive in gen-  
eral or definable for mankind every political question must have  
a reference from particular case & must be determined accord-  
ing to the circumstances of that case. Men of prudence have  
in vain endeavoured to fix on a model of government equally adap-  
ted to all mankind we have seen already that all the actually  
existing form of government are not all the different plans that  
have been made of a useful one uniformly suppose something in  
mankind which is not in them & pay no regard to certain prin-  
ciples that are undeniably found in human nature on this ac-  
count no simple form of government can either be permanent

sufficient long without some mixture of the others In order therefore  
to discover what plan is preferable we must first suppose the  
people to be governed are in a certain state & of certain charac-  
ter because it is only on this supposition that any one form can  
be said to be preferable to another. The varieties of the human  
character the different situation of mankind & the imperfection  
of all conceivable forms confine all that we can deliver on conclusions  
of Science on this subject within very narrow bounds but this is  
insufficient from the nature of the thing as the goodness or badness  
of any form of government is merely relative & consists in its  
being more or less suited to the character & situation of a

particular people. If any one form professed a general  
fidelity or if mankind were collected in one state or were  
professed of any one uniform character our conclusion  
was on this subject might be more certain as well as more  
numerous but the indefinite variety of the characters of  
men the manifold changes in<sup>y</sup> situation & the varie-  
ty of characters of individuals exclude all higher degree of  
certainty all that can be derived from this subject is  
first to make some suppositions concerning the state &  
characters of men & to compare these supposed states &  
characters with the several forms of government in order to de-  
termine which of them is most proper for each & in applying  
the doctrine however we must examine how far the charac-  
ters & situations of any people can be said to coincide with  
the last supposed perhaps no one people will be go-  
verned in the very same manner with another the divers-  
ity of the temper of men command with the conformity

to the Philosophers whether we consider those idiosyncrasies  
or peculiarities of temper as the effect of different material tem-  
peratures or bodily constitutions or whether we consider them as  
habits of the mind induced by circumstances & continued by  
custom we are to consider them in this place as they affect the  
mind without deciding on their particular origin one people

E.G. or cap

Prove them another but from various circumstances that concur to form national character one people may lie in general much more disposed to obey a much greater number of orders than others. Thus the conquering armies of Scandinavians which settled in many parts of Europe were accustomed to obey their leaders in war & easily continued this habit after they were settled in the country. Though very far from absolute obedience. In Asia again when slavery first took its rise the mind of man can easily deprive him an apt to be governed by superstition so that mankind in that quarter of the world have always believed themselves to be the property of some-body or other pretenders to a divine mission or being descended of

In war there have been uniformly sufficient to engage the obedience of mankind in that country indeed they always obey their lords & masters from any one except in favor of another who has taken more pain than the first to persuade them of his right to command their obedience no Aspates ever fought for themselves nor even dreamt that they had a right to liberty hence they have no notion of a republican government & an unaptitude of conceiving even the possibility of such a thing when the Dutch began to trade w<sup>th</sup> Africa they endeavored to make the natives

to make them conceive that there could be any nation without a master so that finding themselves despised by the Afghans as fugitives that belonged to nobody they were obliged to pretend that they were subjects of the Prince of Orange in order to meet with tolerable respect & credit in that country

of Brazil when they got possession of that country the most violent nations of Europe appear to have been generally of a more gentle & haughty cast of mind so that we do not hear of high - long negroes or excessive monarchies among them that are frequent in Asia. On the contrary the European appears in general to have been always prone to revile charges of Princely & officious government In Asia one despot has uniformly succeeded another the Kingdom of two or two or more may have been united in one but despotism has been uniformly the form of their government & favoring the condition of their people the ancient Europeans in their migrations from Asia seem to have been among the first that despoiled any knowledge of the liberty of men though they migrated under the conduct of chiefs the authority

much less after  
they arrived in Europe than it had been in the mother  
country as we find it was generally a long time before  
they could prevail upon them to dwell in cities or even  
to have fixed dwelling - of any kind Some appear to  
have rebuked against their chaps & to have murdered  
them & perhaps the transmigration of Cadmus & Hermio-  
ne the founder of Thebes

to cover thus being murdered by  
their rude company whom they had conducted into  
Boetia Dr.

up to heaven in a whirlwind - to cover the fo-  
re of their hardness built him in the private house left.  
The people were not so rude in the days of Julius Caesar  
so that the same story could not pass a second time  
perhaps the Dispensation of the hand of Providence migan-  
ting Tribes who we find in ancient tradition might

of the same kind as we see that it was very frequent  
among the nations to destroy the migrating ships & head  
of Tribes Government in every part of Europe from  
the beginning of its settlement has always been very

fluctuating any degree of stability that appears  
in it being only among the barbarous Tribes depen-  
ded by Caesar & Vercingetorix the Kingdoms of Britain  
attica with many others

that are mentioned in ancient times were but offshoots  
of a nation & many Kingdoms lasted only the age of  
one King. It would therefore appear probable that these  
very Kingdoms were made up of tribes Tribes who  
perhaps had changed their form of government several  
times over before the period of which we have  
any tradition. The Middle ages in Europe appear to  
have been a very unsettled time governments were ex-  
pected to continue but two centuries.

I say & the stories that are  
related by writers of the Transalpines of former times as well  
as the history of the Thirty years war & the misfortunes of the  
Family of Colloredo all of them strong illustrations  
of the same opinion namely that the first nations of  
Europe were in general turbulent impatient suspicious  
& extremely hard to be governed. The dispositions  
of the Nations in modern Europe appear to be com-

poorly of  
one other the Persian & Turkish Empires retain the  
antient temper of Asia we see of no rebellion among  
them except what was excited by impostors pretending  
to be of the imperial family Germany & Scandinavia  
have always had a mixture of Planchards & nobles  
in their tempers Italy admits of the like vanity Spain  
certainly the greater character great Britain makes a  
world by itself but the modern French seem to have  
blended them  
in a most union manner in their national character  
as they have alone a great elevation of mind & a  
strong sense of honor & at the same time have always  
posed themselves on their obedience to their King  
the French from whom they

of Liberty that they  
sotto the national appellation sumpt & were  
zealous in  
far from being absolute the  
French national character units elevation & subjection  
they have the highest opinion of themselves their nation &  
character yet they know no evil but that of their King  
whom they consider as the visible representation of

The Duty upon Earth Even the intelligent Mr. Dela-  
Bruyere admires how people can pretend to have to  
have any reverence for God when

a knave

with his or the age of Lewis the 14<sup>th</sup>. after the delinea-  
tion of each moral virtue they are uniformly represented as  
existing in their just suspicion on the character of the  
Prince & every fiction in the Book concludes with  
an Eulogium

Voltaire informs us that the French academy  
had once proposed it as a prize question whether of the  
things virtues was the greatest but the King  
academicians & other adven-  
turers.

the merit of several Saints in  
making  
Saints as they  
endeavor to exalt the merits of all the rest in order  
to make the Saint of the day appear to better ad-  
vantage the King considering all this may forbade  
the question  
so delicate a subject as the numerous

© included the  
writers of Lawes. the like were of too undiscerning texture  
to make distinction convenient or exactuation © un-  
doubtedly all of them would have been dashed to pieces  
against one another if the accedamians had been per-  
mitted to ground it was therefore the greatest prudence

the Prelate endet to that fiction of lawe  
giving all right power honor dignity © authority to lie  
in the Prince included they consider all their Preachers  
nationally professed of all these & both their happiness &  
their obedience appears to arise from this love of the hu-  
man mind or always dissolved by contemplating the  
idea of worth honor prouesse

or fulfylle © on any object real or imaginary  
on which it shineth it can disperse their habitual  
sentiments of respect dignity honor & virtue are elima-  
ting in their very nature

prosperity that can be conceived  
when the King is at his devotione that Noller ©  
to the altar  
& their faces to the King as if he was the real object of

The worship which is offered often the case they  
take an interest in her glory & concur their happiness  
or bound up in his name if all mankind were able to  
concur so agreeable a doctrine we would not

abolish monarchy the best form of government the fes-  
tions with which they entertain themselves are certainly  
very delightful

power & honor regards are under our welfare  
to thank that we see this King & that we discern  
the undoubted proof of goodness in his behaviour gives  
a great confidence as well as a high degree of elevation  
to

a corporals is truly religious is  
confident happy & contented because God who is a being  
infinitely perfect presides over the world & controls the  
operation of all.

on the same manner  
Frenchman having the fullest belief & conviction of  
the excellencies & virtues of his Prince is convinced  
that every thing is overruled by will & that if the  
Prince ever errs it is only through an excess of good-  
ness or by giving credit to  
men and happiness

Other. The pleasure of imagining that they are happy cer-  
tainly with regard to the present state. The person who  
thinks himself happy is condonned by the happiness  
now in Geneva offence. "non est beatus

that it is impossible to continue this illusion for any  
length of time especially under great difficulties & fre-  
quent opposition so that the French have now lost much of  
that satisfaction that they formerly enjoyed in admiring  
the virtue of their King & appear now to be as fond of  
liberty as other people

other that liberty will extricate  
them from their present difficulties. The suspicion of  
men contribute very much to their unhappiness.

Sorrow -

It is as natural & unavoidable to be disengaged & di-  
judged at the thoughts of villainy selfishness & un-  
dignity & falsehood as to be elevated with the ideas  
of truth magnanimity honor & justice. The question  
only is how far those latter prevail in the affairs

of men & reasonably render us unhappy in  
thinking of them or guarding against them to  
admire excellence in creating a diligent task to  
guard against defects is necessary though far from  
being agreeable —

Lecture 102 April the 21<sup>st</sup> 1787.

The circumstances through which a people have  
acted have commonly a very great influence on their opi-  
nions concerning different forms of government & by the  
change that these have undergone in many places it may  
easily be discerned that the opinions of men on this subject  
are as liable to change as their situations in many small  
states in Greece republican & monarchical government  
founded each other several times over & the bloody me-  
thods that were commonly taken to establish each of them  
rended to the down or their turn each state seemed to consist  
of two factions one for a power & the other for anis-  
tocracy or democracy & these two factions used to banish or  
murder each other alternately according as either had the major-  
ity when there was no balance or check on the will of the

people a majority will often prove to very high measures  
even find their forcible murder & banishment to be the  
most common methods that are taken by these ~~political~~  
people for oppressing minorities & dislocating & often  
killing

of the greater numbers. The ca-

mphid were frequently so numerous that by mean of a  
small armada from a neighbouring province or state they  
were often able to oust them selves by taking their own  
city by force & to murder and expel their antagonists  
in their turn these changes are so frequent & striking  
in ancient history that Mr. Hobbs in the last century  
translated the history of Thucydides into English in order  
to recommend monarchical government to that nation  
by setting before them the numerous miseries brought  
about & civil wars that prevailed so much among the  
greek republics they are indeed very worthy of remark  
& serve to display the weakness & wickedness of men  
as well as the utter impotency of all forms of govern-  
ment what ever but Mr. Hobbs was sorry for what  
he had done afterwards because Thucydides not only exhi-  
bition

government last however it confutes; & the security that  
it is capable of giving to the rights of mankind he was  
employed by the members of Chancery, the R<sup>o</sup>. to reprove  
the English, the simple monarchy for a fact few people  
wrote his Declaration in which he shows himself much  
prejudiced against the Queen & Roman Catholic which he  
thinks tend to make people practice a rebellion to their  
own. What's truly surprising that this opinion of  
Mr Hobbes endeavours to indicate for the purpose of support.  
any absolute monarchy should have been adopted by  
Augustine who professed to be zealous for the rights of man-  
kind nothing

greater than the ancient au-  
thors of Greece & Rome who had the most distinct knowl-

edge of the rights of mankind & that whom all the  
world would have still been pleased the grandeur of  
gentlemen's as well as their exact

as they employ will always be  
command the study of the classics to all that do not  
Protestant, & will render that duration equal to that of  
the world & others differ from each other in respect of their char-  
acter & respect to their state or condition. The character of  
a people respects their degree of virtue or of vice other

rely for the discharge of civil & political debts, it is common  
to too many political writers to consider mankind as uniformly  
governed by interest & ambition alone & to resolve all their  
actions, indiscriminately onto one or other of these two principles.  
It might be easy to shew that society cannot be supported by  
interest & ambition alone under any form of government  
whatsoever a sense of duty or what is commonly called mo-  
ral principle prevails more or less among all men & the de-  
gree of the prevalence constitutes what may be called the mo-  
ral character of a nation. In every society there is a great in-  
equality of estimation or will or of property & enjoyment  
of the comforts of life more of men were wholly determined by  
avarice & ambition as some writers would represent them  
without any moral principle whatsoever they could be  
incapable of fulfilling a single day to any form of go-  
vernment because those who had less would immediately  
on this to have more & all things would soon be disposed  
of according to the will of the strongest. The common scheming  
Savellers who have renounced all moral principle.

than by demonstra-  
ting the nakedness of the utility of moral distinction  
& the good ought to be old & commanding in order to be  
a counterpoise against the ingrafting & concupiscent

Principles of men destitute of moral principle

clearer

Moral principles are the only guardian of property as well as of life & all the rights of men. The existence of every civilized society depends wholly on them. By mean of Moral principles one man can govern many millions & the minority of a society can control the majority by having a friend & supporters of their authority in the breast of every man. The obligation of oaths was uniformly supported by the ancients. One of the greatest pillars of civil society because without it the most solemn transactions of men would be quite ludicrous & uncertain. The security of their lives & rights, at all times very precarious. The ancients universally consider religion as the soul of a duty to be <sup>so</sup> essentially necessary in order to qualify men for being good citizens that they thought that none could properly be such without it. Some of the moderns have in our time pretended to be much wiser than the ancients in this respect as well as many others & have sought themselves to distinguish religion from moral, from government & thought they have retained the economy of an oath as a mean of binding men to their civil duties yet as no —

as such every man may put whatever farr he pleases  
upon the oath which he takes & may ever disengage  
himself from keeping it because that would only be  
a certain mode of religious belief which could not sub-  
ject him to any punishment or affect his knowledge  
or a witness therefore that all men must have of the  
obligation of an oath must depend entirely on the nature

religious

belief because an oath is a religious bond & where there is no  
decided religious belief it cannot have the legal binding to  
bind a man of no religious principle who considers all  
religious principles as equally true or equally false may  
take contrary oaths without violating any of those prin-  
ciples that govern his judgment in the matter for if no  
thing is fixed with regard to religious belief in a nation  
or in the mind of individuals they will always have  
an opportunity of abounding in their own sense & will  
explain them either according to their humor or interest  
or probably make a jest of them altogether such licentious-  
ness of principle naturally gives rise to evils. How many  
thousands of men in the state of Massachusetts who rose in  
militia against the laws of their country had no doubt at all

of them take the oaths of fidelity required by the confederation of this country ~~but they up to this liberty in putting such prof. upon it as justified them in their own opinion~~

against it & the liberty of explanation with regard to an oath is of very great extent these men did not say that their governors had acted against law or that they had in sprung that confederation to which they had agreed in common but by views of interest & ambition which so much ruled upon by some political writers together with corrupt principles they were led to violate their oaths to induce us to displace a government which they themselves had lately assisted in putting up It is true that government may

in a great part of the members of a state honor with some men may supply the place of honesty & integrity in another set may operate for some time at least instead of a prof. of duty but the continuance & even the operation of these principles is extremely precarious There is a certain degree of depravity beyond which of the corruption of a nation we rather poorly must immediately displace all political autho-

ity & uncor is founded entirely on a fiction in law  
it can have no strength whatsover except what it borrows  
from moral principles so that when they cease to have  
any influence over men they become quite incapable of  
existing in the order of a regular society & we have seen  
that the other principles of Antislavery ambition upon  
which certain writers depend so much for the per-  
formance of civil & political duties inflexed of mo-  
ral principles are so far from being able to supply  
this place that their tendency is quite of an opposite  
nature & they only hasten the ruin of th. society  
or throwing it into the hands of a Despot. It ought  
to be the care of all wise & good governors to uproot them

from such a degree of degeneracy as produces the disso-  
lution of order & the disflane of any individual nation from  
that degree of degeneracy completes the exact extent of  
their destruction as well as the measure of th. duration  
of their government It was an ancient & universal  
proverb till of late years that the study of religion which  
teaches men how to grow daily better were the most

official & only method for preventing them from  
growing worse accordingly all governments need a  
supported religion as the great bond of society & the  
last & only security for the performance of moral & poli-  
tical duties on the part of the citizens but some super-  
ficial & unthinking men in our days imagine that  
they are a great deal wiser than the ancients they  
pretend to have discovered that religion

crossed the publick

who has no religion at all or the man who most con-  
sciently performs all the duties that it enjoins & most for-  
gets the obligations of it whether their opinion be a  
symptom of a depolitizing of society would be worth while  
to inquire did our plan allow of it but as this is not  
the case

The world greater small errors-  
isted on the principle & a society that is amoral or organized  
upon the admission of it does not appear to prompt any con-  
cern now let me suppose that there were only two hundred  
that we were bound to have our contracts & the other pro-  
hibiting that it is lawful to make our contracts now  
suppose these two religions just entirely upon a level

universal equal toleration nor safety for any person  
though he even were not a philosopher so far whch of y<sup>m</sup>  
would immediately get the a pendancy in a state e  
ntirely abolish the other those that thought therefore  
bound by no contract would despise the laws & prevent  
their execution.

Their lawful debts & the state must  
immediately go to ruin or it could not ever for a  
little time preserve such an a pendancy of licentiousness  
of our a pugnacy & moral honor moral principles therfore  
are the only armes of a society & whenever they are given  
upon which is the same thing publickly held to be in-  
tirely different & on a level with their contrarie the  
Society must fall in a little time as long as  
breath of life is reckoned generally disgraceful mo-  
ral principles cannot be.

To be infamous no oaths can  
any longer bind & surely is very near the end. we intended  
to find in the former discourse to explain on what man-  
ner the notions of the French nation contributed  
to their happiness the same notions contribute equally  
to the happiness of society If a strict regard to honor is found

numerous disorders & cleas the Union it will immediately  
become a national

among the French according to the differ-  
ence of opinion who himself was of that nation -

"Prize, ad exemplum totis compotus orbis

In like manner of cheating lying & cowardice are  
universally considered as disgraceful by those who are  
respected & honored only they will soon be generally  
considered as such by all the rest in order to be esteemed  
by those whose esteem is supposed to be worth having  
but if a people have no common object of esteem  
of one another

in this case it is not conceivable that they will be con-  
trol'd by any other restraints on their transactions except a  
regard to their own safety & if they think they are  
sure on account of the weakness of authority & neg-  
lect of the execution of the laws. It is scarce conceivable  
how they shoud be restrain'd from any univeral  
scour which they had an opportunity of com-  
mitting now base minds who are incapable of  
find that

honesty nothing but it  
fear which is the governing principle of & of course  
can restrain men that an assemblage of moral principles

immoral republic even to induce men to unit any other  
form of government among them to keep them in order  
after they had renounced moral principles they could  
not possibly find in that attempt fear is the only  
principle that can command that jealousy which has been  
excited by the exigencies of falsehood

expin or fact  
a republic together with virtue so that interest & fear  
are the only principles that can left to govern the mind  
where virtue is extinct accordingly we find that the  
subject of Diffocks consists of monomaniacs who share in  
their government & are favored by interest & of slaves  
who have no right whatso ever & are under the  
dominion of fear the most liberal form of a gov-  
ernment can be of no use or continuance among a vicious  
people for as probability is the prevailing element of -

or perform it if whenever it is exerted interest & fear are  
the only commanding principles that can keep men together  
under any form of government & these we have seen lead  
immediately to despotism. Dr. Adams supplies interest  
to the sole foundation of the American constitutions  
but he is certainly mistaken unless he only means that  
those of the people who oppose despotism were convin-  
ced that their independence would be ultimately for  
this.

That they are founded in moral principles &  
a conviction of the right of men as worthy of being  
defended at any expense for of interest had been the sole  
principle of those who shook off the dominion of G. Britain

thus probably as many of them did much  
more magnanimous acts than interest can certainly recep-  
tive to induce men to make such sacrifices & to exert such  
effort.

The rights of mankind are absolutely  
necessary for those who expose themselves to danger or for  
the loss of their property for if every man had only  
been moved with the thoughts of what he might

in the beginning of the contest that he was for insurrection  
that it was revealed from heaven that 999 members of every 1000  
were

of private interest could never lead men to sacrifice  
such odds. It must have been a sense of honor and the  
resolution to mankind a zeal

The American revolution as is evident from the manner in which it was  
accomplished & it is this principle alone that can con-  
tinue to support it or indeed any form of republican go-  
vernment

deemed for gained  
as much has been lost by it but of the institution which  
was undertaken for perpetuating the rights of man & for pre-  
venting the human character from being debased by slavery  
entirely to be supported on the same honorable principles.  
It will then be likely to be permanent as well as  
profitable in the end

Lecture 103 - April the 22<sup>d</sup> 1799.

The authority of the law & the power of magistrates

myself ultimately upon America whenever the public belief of that  
system of law which constitute their form of government is  
shaken this passion & interest will suggest many causes for  
withdrawing their obedience from a pretended friend for an-  
other form often covers a total atheism of all government what-  
ever now or here government as such ought to retain the  
affection of the public more a longer time than any other but when  
a people come to abhor & despise a republican govern-  
ment there is no sort of probability that any other would con-  
tent them the particular tendency & capacity of any form of go-  
vernment to support itself & to ensure its welfare among  
the citizens ought to be numbered among its advantages as  
well as its tendency to secure the rights of mankind while  
it lasts a government may be said to be very corrupt when  
all its just & constitutions are constantly applied only to enforce  
its form as the form of a government is but a secondary end of it  
& the preservation of the rights & promoting the happiness of men  
is the first end of government with respect to which all forms  
are only means but when the preservation of the form is the  
chief or only thing attended to in government it has alrea-  
dy ceased to be of use & threatens a sudden change this  
however is constantly the case with regard to despotism  
Every thing in it is arranged so as to fulfill the will of the

Difficult & as severe to him the ultimate happiness of the state  
as his earthly happiness & even the existence of the sub-  
jects being no farther considered or regarded than as far as  
they may be made to contribute to these ends. A good govern-  
ment that which first itself by actual experience of  
its utility & which stands on mud of no terror for perfor-  
ming its forms. A good government may be supported by  
force against internal as well as external enemies say it is  
the very definition of a good government that it is an institution  
intended to use & apply force in support of the rights of men when  
any form of government which is to be a good one by the people it  
cannot be changed till a strong like place. their opinion  
but there are many causes which may sometimes bring a  
bad man or a very bad man. The possession of power even for a  
short time is found to have a tendency to corrupt & intoxicate  
men if they are not possessed of strong moral principles &  
animated by a true zeal to serve the interests of their coun-  
try & according to the observation of Cicero long ago the contem-  
plation of the shortness of their time renders bad men much  
more eager to make the best use of it for their own ends &  
to play the tyrant to a just extent while they are in power  
because they are sensible that they will not have an oppor-  
tunity of doing that past long the shortening the du-

ration of power in Progess this is of no use either for the  
conservation of liberty or the other rights of men unless the  
citizens are capable to choose men of virtue & moral principles  
because in the hands of bad men the rights of mankind  
must constantly suffer & all political checks & limitations  
of power prove to be of no avail on the other hand liberty  
whether the power of disposing of our fellow men be left  
to corrupt the greatest part of mankind to flatter their  
vanity & to make them much less sensible of the rights of  
others as well as to deprive a change of government from  
wantonness or exultations of private advantage moral  
principles therefore are no less necessary to the citizens in  
general than to those who perhaps publick officers as of those  
which are no virtue in the Electors it cannot be supposed  
that those whom they elect will be men of a character  
opposite to their own then are certain impositions which  
may unfeelingly produce a want of moral principle an  
impatience of rule & an incapacity of defending their  
fathers then we know that the Roman people left all  
their courage & activity by looking on the Theatre  
afterwards their whole attention on the publick amuse-  
ments of that & the Circeus the Greeks had already

left them liberty in the very same manner. In more  
modest times we find that the Spaniards became omnivorous  
conquerors by the possession of great quantities of gold & the  
indolence of their Indian subjects which made them lose all their  
habits.

or of activity or capacity draws after it the loss of liberty because  
Despotism is the only state in which insolent or bad people can  
be kept in any order. The state & condition of a people  
by a great number of circumstances but  
chiefly by their capital proclivities the extent of this  
Country the degree of civilization to which they have attained  
& their political capacity with regard to usurpation  
Capital proclivities are founded on distinction whether original  
or adventitious original distinction is the difference  
of capacity despotism & one adventitious distinction a-  
gain arises only from the former original distinction  
makes their appearance & prove to be of use in unsettled  
times rude ages & the first beginnings of government -  
few of these such as courage against humanity just  
ice eloquence & dexterity have at different times led their  
possessors to sovereign authority or public esteem & their  
qualities are popular in favor that even they who have  
none of them always pretend to have them in order to  
influence themselves into the esteem & favor of the

publick & the pomp & gravity of things and designed to  
informe the publick with an opinion of their conduct

These means are generally supposed to be habitually occupied  
with great matters whereas persons that lay aside their gra-  
vity as Nero did & addit themselves to mean persons or  
put themselves on a level with ordinary subjects from hence their  
authority & become contemptible to those very persons whose  
fame they strove to gain Adversaries definition may arise  
from compact authority or opinion Wh. did men about the  
mulus chose for his counsellor of State belonged to the  
very same rank of magistrates as the rest of the people & it can  
plainly be suppos'd that their wisdom or virtue or the abi-  
lities & acquisitions of their mind were every way con-  
siderable yet surely by being judged to the rest & by  
being placed on a platform that was supposed to merit  
respect they learned to expect themselves to behave  
in an orderly manner & to act the part that was assign'd  
to them at least with external gravity & dignity anxious  
to maintain the reverence of the publick they watch-  
ed over

To appear

something superior to other men & it appears that  
they contrived the front of their platform so artificially that

positively were held to be of a higher rank than others &  
the notion of yr elevation from infamy them with high  
thoughts & from afterward with contempt of inferiors  
In like manner the Knights tho' more consider'd  
drew of free-booters yet because they liv'd on base bairk  
& were elevated near those set above them who liv'd on  
gold & had their horses built of them by the gutter  
immediately imagined themselves greatly superior to  
the common sort of citizens who liv'd on gold & at  
their own expence aristatical distinctions are of the great  
offuse in society when they engage themselves of men on  
the side of virtue & the performance of duty when the practice of  
any virtue such as truth or honesty is supposed to be under  
honorable maneray for supplanting a certain rank with ex-  
clusively those virtues that are dignified will be esteemed &  
generally practized & when certain vices such as cowardice  
falsehood & treachery are supposed to degrade men & to  
degrade the rank which they hold the countenances will  
operate to the discouragement of these vices & the practice  
of the opposite virtues aristatical distinctions

opinion & conniv'd with the  
practice of some virtues have often procured instruments to

worthy actions though in other cases they have only served to encourage the love of misery we may say of adventurous honor what Homer says of Shame that it is of great hurt & a great advantage to men

" Prost et Ardor pas meyas  
Even the Roman order of

Edon

to their vanity because they saw the whole race of slaves beneath them & the privations that were confined on them by their political constitution were ample enough to meet their vanity though they had not for a whole nation of subjects below them they created the consuls  
Praetors & Ediles they made or unmade laws & they were exempted from capital punishment for any crime whatsoever except high treason. Their rights of citizenhip even supposed to be so equal that banishment which was only the punishment of slaves was confin'd as equal to death. It would be very absurd to pretend that the Roman citizens were not elevated with these.

Opprights were not full men created by the common sense which this public constitution gave them above others distinction as well as government & authority is a mere fiction of law & custom but has always a wond'full effect when it is believed

inquisition it.

menaps favor with the mulattoes lays the foundation of confidence & gratitude & gives an inducement to hence courage & elevation of mind which lead to the most useful & prudential actions those who in the fictitious arrangement of adventures or political distinctions are placed in a middle station so that they have superiors as well as inferiors have their haughtiness as much humbled by the consideration of the one as it is exalted by that of the other those whom you see are in the station an most likely to possess wisdom moderation courtesy & the spirit of enterprise so that their distinction is in favor of their merits as well as of their activity & exertion of the powers of their mind but a people who have only <sup>super</sup>inferiors & no inferiors are necessarily hurt by that distinction & both their natural moral principles must be enjand in a high degree a nation which has no adventurous dispositions & which at the same time keeps a slave is not likely to submit long to any form of government whatever such people being accustomed to command absolutely at home will be very little disposed to obey when they are abroad but every form of government ungraciously requires the greatest number to obey the weaklings of a people

of their government to the continual hazard of being changed by conquest of any of their neighbors who are in a different condition on the coast opposed to them. The degree of activity & fermentation that suffuses in a nation may be reckoned a very material part of the state of it & to contribute very大大ly thereto. The confirmation or extirpation of those from the Romans by being divided into different ranks had always

individual which kept the power

of that mind in motion & prevented that languor & stagnation onto which the faults of the human mind must necessarily fall when they have no object of ambition. In a well constituted state there is a gradual circulation & change of <sup>as form of</sup> the citizen, one always rising by mean of industry & virtue while others are decaying & losing by negligence & vice nor both these objects are highly necessary for excelling the faults of men & keeping their minds in healthful motion. The first of them encouraging the ambition of those who have much to gain & the other awaking the vigilance of those

any thing to gain or lose by warlike or vice most soon  
lose its victory & be extorted. It belongs to the health  
ful state of a nation that it afford objects for exciting  
encouraging & inspiring alive the ambition of men  
while at the same time properly & naturally found  
of a state whereon afford us object of ambition & have  
nothing to encourage & reward the cessions of active  
minds it will be very easily conquered, a none of  
the citizens can be supposed to have any great desire or  
eagerness for obtaining that which is become indifferent  
to each other, unprofitable to concure greater enemies to  
a state than those leaders who attempt before na-  
tion & to reduce the condition of freedom & for turn  
of every citizen to an exact equality because the  
kind immediately to extinguish ambition & to render  
men totally indifferent about the publick from  
which they have no hope of ever gaining any thing  
The active power of the mind become totally  
ruined when men have nothing to hope for &  
a free republik without distinction or difference of

condition as deadly to the fauilles of the  
human mind for this reason as the most  
dismal despatch as it tends to nothing to pro-  
duce indolence & despair to be without hope or  
fear - a state that does not belong to the life in every  
well constituted state therefore there ought to be a  
great variety of rewards for industry & virtue as  
by their activity or haply alive & because men have  
cruel snuff reduce a man to poverty & contempt  
This will be carefully avoided but this cannot be the  
case in a civil Republic where every one is equal to  
every other

activity when he can neither advance his own po-  
tions or reputation by it & the utility against na-  
ture to others pleasure in laboring for others on the  
other hand when men are incapable of leaving their  
fortune or reputation which is the same thing  
have none to loose one of the strongest restraints

there is neither any honor to be attained by the greater  
virtue nor any shame to be avoided by the most  
vicious conduct if men should flinch thus imagina-

been arm'd as they please  
vicious than the citizens of a  
land regulated who had another character no pretensions to gain  
or loose confidence and to live in malice & discord must  
constantly prevail among them & afflicting from all  
other causes famine would soon extinguish a society in which  
no man had the least encouragement to labour being af-  
fraid of an equal

invariably the healthful state of  
society is when the rewards of industry are such that it will  
not discourage activity nor so great as to be extinguished  
it in a little time by rendering it unprofitable moderate  
wages encourage men to work but extravagant wages  
instead of encouraging in agriculture production only pro-  
mote indolence & intemperance great justices judi-  
cally seconded are commonly hurtful to the public  
by the want of economy which is commonly dis-  
cerned in those professions who never know labor  
in acquiring them thus it is commonly observed  
in England that when ever any Debts or Servants of the India Company settle in any

tolabourers & the higher ones that  
they pay for every thing what destroys the moral  
of the tradesmen & labourers in their neighbourhood  
by rendering them baughty idle & unuseful a num-  
ber of such men as this in a country instead of  
encouraging industry

by its having to much fuel  
as well as by too little which is a great sudden  
fortune living generally without education & void of  
taste appropriate not all the able & worthiest persons  
that they can find so that their exence however  
great not being diverted by prudence restrained by  
moderation or avoided by taste contribute nothing at  
all to the improvement of their country either  
such a fortune is at an end which sometimes happen-  
ing soon it leaves the neighbourhood much more helpless

worse situated than it was before. Sudden fortunes  
therefore are justly considered as hurtfull to a nation  
because they lessen the quantity of industry a people  
will not encourage the superfluous men than the

where they are in the most favorable state without fear to  
wrote & happen but of other than hope or other fear is ex-  
terminated

immediate consequence the want of  
the instruments of hope & fear is principle that which makes  
a Despot cruel and a Slave undiscerning & docile the Slave  
has nothing to hope for & the master has nothing to fear so that  
the members of a crew neglect

of Slaves but although advertitious  
detectors may be highly useful as members to general  
action & reflect from meanness or vice when they are not  
too numerous or too easily augmented yet when they extend to  
a great number they tend to extinguish industry to enervate  
flock & to render their masters omnipotent home  
Vattau observes

defen-  
dents of Princes are Princes there will be sometimes 30  
20 of whom

most especially in beggars unless they are enlisted in the  
service of some other prince the brigadiers of Poland com-  
bines more than 100,000 families who cannot all be  
in opposition many of these nobles consequently are in  
poor or obliged to follow the means made the mer-  
chant at Dantzig have generally Polish or German

them ship servants stipulate that they shall have liberty to attend all the

of Holland the agreements shall be at an end they likewise stipulate that their masters shall never whip them except upon a carpet which makes little difference in the operator & its effects ship circumstan-  
ce under the infliction of relatively reduction & totally  
inefficient for the end of its infliction this is somewhat  
surprising indeed that in

people should  
be left to languish in poverty & indolence monthly bor-  
ther having had the misfortune of being descended

If the greatest Empress who conveys great disbursement &  
activity of mind could be able to rectify this abuse it would  
do them much more honor than ~~plunging~~ <sup>doing</sup> the poor masters  
or promoting the contempt of Sackville & infidelity -

Lecture 184<sup>th</sup>. - April the 23. 1782.

all

or existence of any political constitution or form of government  
can only be held hypothetically more just questions may be cast

upon it diff! Government comprehending as many conceivable states of  
the members of a society the 1<sup>st</sup> supposition is that of a people  
perfectly virtuous distinguished from one another only by their  
original differences & forming states of small extent such a pe-  
ople are fittest to govern themselves Their government is perfect  
being itself although we know proctular that no such society  
or nation was ever excepted on earth yet it ought to be the mo-  
del of all other societies from it being supposed to be perfectly  
virtuous & consequently not only fit to be but prepared of po-  
litical happiness & justice although no society can be supposed to be  
so perfectly virtuous in a moral sense yet the instance of a  
people perfect in political virtue especially supposing it to  
be a small state and especially impossible from the  
members of a great population state it might be possible  
to collect as many individuals as could comprise a small  
one who should be perfectly virtuous in the political sense  
but at present men even then the contemplation of perfect  
moral must be of the quality we are postulating as well as in  
the fine arts even though they should be admitted that no  
such model actually exists yet the men that any politi-  
cal constitution or administration approaches to such a  
model as the more laudable & excellent there must be  
natural distinctions even among those who are supposed

to be perfectly certain but that natural distinctions or  
accents of the members of the Society would further be in-  
convenient to abide on the part of their professors nor object  
of injury to those who were without them no talents w.  
be educated or exercised & no unfair or illegal advantage  
claimed or allowed the Citizen would mind every one thus  
our happiness & we are far from encroaching on the rights of  
others as from suffering others to encroach on others they  
ought in fact to be governed either by the majority  
of their own number or to be represented occasionally by  
single men now to oblige such men as were chosen  
representatives to resign the sense of their own minds & to  
follow what is different from it or contrary to it would  
in this case be by the supposition a ridiculous vice for  
virtue because the person who is supposed to be chosen  
is also supposed to be possessed of perfect virtue as well as  
the rest of gentle tract Thunton among a people of per-  
fect virtue must be an all state & unlimited one & the  
men who are that a people an professed of the same capa-  
ble will they be of trifling others as well as men if it  
were trifled themselves whereas the last virtue that a  
society profess the less capable are they of trifling

This view of things suggests an argument of great weight against  
the opinion of those who imagine that a representative should  
be intrusted by his constituents ought not without standing blunderly  
to allow their instruction or every thing entirely renoun-  
cing his own judgment upon that such a conduct is  
directly opposite to that

carefully considers surely & that a representative is not tried  
as a wife or as an honest man when he is made the mere instru-  
ment of the instruction of his constituents all the advantages  
that could possibly be gained by a judicious abolition of a nego-  
ciantate can orderly thrown away according to the doctrine  
for there is no need of chusing a wife man for a trust in  
which he is not to judge of acts determined for the family but  
merely to carry messages etc to read

a common servant or a Negro might do this  
as well as the most able man of the nation a negotiator then  
for ought to be confidend as an honest & capable man and it is  
only on this supposition that he is chosen & trusted therefore  
his conduct ought to be left to his own judgement His consti-  
tuents may indeed inform him of matters of fact that he  
cannot otherwise be acquainted with & may even occa-

mainly stale argument

Nor do to our friends however much they may be our  
superiors or however independent they may be of us last  
will he ought finally to be determined

his conduct & the rights

of a party may be said to be betrayed  
if they are intrusted to a person who is not responsible for his  
conduct the want of responsibility is the verdict on it to  
corruption in a republic because in that situation  
men are free from the errors & infirmities of the law  
as disposed to follow their own passions without fear or remorse  
I say that there are many such persons even in free  
states but of these states would consider what arbitrary  
government is They would find that it is only committing  
the care of the publick to one officer who is not responsible  
certainly can make little odds on the condition of  
a people whether their Tyrants are one or many it  
is therefore no less than fabricating

officers who are not made

strictly responsible for their faithful administration  
such a trust can only be made with safety to a  
nation of corrupt virtue but even in this case such  
a person would by no means choose that their virtue

subject himself to responsibility in the way of doing justice  
to his character now as all the society which we answer con-  
sidering an supposed to be perfectly virtuous every one is  
to willingly to bear his share of the public burden & would  
occur in his turn that confidence & trust for which he  
was qualified by capacity & experience as natural dispositions  
must fail still even in a society supposed to be perfectly virtuous.  
They would be readily returned to a state of suspicion &  
envy & being onward without probability bending or

justice as they are supposed to have no malignant dis-  
position among them to mar the effect or to den the  
best of personal qualities disposition propitious without  
recency trust without tracking or abuse officers confid  
without suspicion & burden supported without grudging an  
novelty or vanity in practice the easily conciliate in  
speculation It is by no means impossible however  
that in a small republic especially all the officers  
might be upright & incorruptible & all the public  
burdens

now very great  
republic should have the same and our view endear-  
ness to come as near them as possible the contempla-

tion of a perfidious party  
so agreeably that we are apt to forget where we are  
therefore instance we might suppose that in a per-  
fidious government there must be such laws & not  
too many of them & that these laws should  
be duly executed by upright judges & magistrates  
that these crimes would be repressed

not for the most ar-  
dent enthusiast but we would be forgetting all the while that  
a perfectly virtuous party could not stand on need of any  
precautions against the commission of crimes or the abuse  
of power & consequently that all the contrivance which  
supposes either of these could have no place among them  
being

the whole society might  
be supernally & prodigiously assembled but any small  
part of such an assembly would act in the same man-  
ner as the whole being supposed to be perfectly virtuous  
the sole object of government in such a party would be  
to apprehend & detect their foes to national & wife  
purposed their public assemblies would

not by orators

to persuade them to what was against their interest  
for they would effect such public conveniences &  
accommodations as defend folly & corruption have ne-  
ver suffered any nation to possess they would have public  
expenses on revenue instead of public debts & would  
be at once qualified to relieve the oppressed & restrain  
terror in to the oppressor Mr. Bayle has endeavoured to  
convince himself by supposing an army of good christians

never fight or that they would be  
easily overcome but surely if we suppose an army of good  
men in good cause so without  
implies & eager to execute  
a good cause armed under excellent commanders &  
defended we cannot conceive  
any army that could be more terrible & formidable  
or operative hence the christian church  
of its union permanence & courage is magnified in the  
song of Solomon to be terrible as an army with ban-  
ners now altho' no inter has yet been  
found to be perfectly virtuous yet this ought not to be

plead any excuse from the imperfection of men be-  
cause there is no necessity arising from that

indolent

obstinate impudent or cowardly infidelity & imperfection  
are only defects.

which neither exclude the

just nor the gravamen of it but the absence of  
which altogether arises from quite another cause than  
the imperfection of men & is owing solely to the concen-  
tration of sin which man however would feign dif-  
ferences with the first appellation of imperfection & infami-  
ty

to the community by reforming him.

if we could very soon approach to a state very near to  
perfection & in which few or no complaint would be heard  
the first supposition with regard to the character & con-  
dition of state is that of a people among whom the virtuous  
& vicious are mixed who admit

degrees of from state of ex-  
cellence & that now this is not a mere supposition because  
the former has a definition of what is with every other &  
which indeed forms the most general  
of  
maxim. The population however must main-

To

by a people among whom our ingratitude is surely most  
abhorred wherein must have a clear abundant outlet of  
people before a state incapable of Democratical Gover.  
because

were found fit not ns up at all in a democratical  
Government so the State of Pa. surely in which the ma-  
jority is vicious must necessarily turn out the same  
as if there were not one virtuous man in it as the law  
magistrates administration public manners is  
all be stained by the vice of the majority. & Re-  
public. therefore this is undoubtedly the cheapest of all  
form of government with respect to money

with respect to virtue  
because it requires no less than a decided balance of  
virtue against vice & corruption or even a quantity of vice  
equal to the quantity of virtue that is in it would be of  
no manner of use with regard to its political state

or actual administration a very few good people in  
a State.

An honest & other by getting on to the administra-  
tion or by acquitting an interest with those who are in  
it may even one good man may be of immence service  
in either of these ways but one good man or even a con-  
siderable number of good men in a negligible amount will  
at all times can be seen though they should incapsular-  
ship they should amount to a majority which is im-  
possible the highest degree improbable & next to an impo-  
sibility for this reason we find that all the good  
men who have ever joined together have either  
been put to death or banished or otherwise disgra-  
ced by those who were in power they had supported as the ma-  
jority were never on the side of neither half of the major-  
ity even in their own interest which

representatives only their in-  
terest & political institution might prevent them & abus-  
e of power for we must certainly be constrained in order  
to the public safety wholesome laws & to out face terrors to  
men as is sufficient to make even the vicious abstain  
from crimes for this most part having no respect

of impunity

and done or in signifiante of magistrates an equal loss many publick concord agreement & economy offend for committing crimes because he never looked upon an infidle that they have little or nothing to

Surely @ the right of others except their own interest or passion or the extent of their physical power a strict execution of the laws is the most monopst & benevolent as well as most profitable to the publick because it secures their safety & thus enjoyment of their rights at the smallest expense of the law & fortune of men a good & wise government has al ways least to do & operate more restraint on administration by its theory than by its actual operations which men are afraid of governors who are desirous to gather who give no quarter to vice & who are incapable the publick corruption where as on the other hand a less insignificant government have always the most employment which men are not afraid of coming

administration which costs the greatest trouble & has the greatest quantity of employment is inconveniency that what does the half force out of the small & hum-ble to signify the multiplied executions of London pro-

iced notably from the total want of power & a sufficient  
know regard to liberty but from the slackness of the ad-  
ministration & the numerous ways of escape which  
ecclesiastical has in her power there by uniting with  
nepos & having all the jail attorneys to manage it  
causing for them

private prosecutor & to  
triumph over them abuse of power an uncontroled either by  
law or by both -

When men have not too much power intrusted to them  
they may be less disposed to abuse it & less elevated  
with preferring it the oftentimes the case is quite other-  
wise but the most effectual method to prevent the  
abuse of power is infallibly for if any thing can be  
effectual to prevail with a man to be moderate &  
just in the exercise of power it must be his knowing  
for certain that he must give an account of it on a  
private station when his power being exalted can  
give him no sort of advantage the Roman Repub-  
lic had excellent laws de pecunies reportundis

a trial at their turn either at the

of the

maladministration against : They were also  
obliged to produce a certificate of their good behavior  
during their administration supported by the prin-  
cipal persons of their province

These means were effectual but  
when the contrary came to be the case with men even  
so poor who persecuted all the forms of law for their  
own private gain & friends who obtained all these  
that men able to accuse them had corrupt judges & get  
creators of their own sort to defend their proceedings a  
much delinquent than became too strong for the law  
& when he had taken his measures artfully could  
defy it almost in every case when ever money became  
the standard of esteem the fountain of honor & the  
chief object of respect in a state it produces the  
most distressing consequences It alters or cripples  
law blinds judges confounds witness & renders the  
most wicked of crime doubtful In short money  
is as fair to one whom these who covet it as unfair

justice is to govern the wife & nation.

Lecture 105 April the 2<sup>d</sup>. 1709.

Most of the ancient appear to have concurred that a democratical government could only subsist in the small states because they were wholly unacquainted with the doctrine or practice of representation all the citizens of the ancient Republics commonly met & voted in person in their public assemblies for which reason Aristotle says that a republic could not consist of more than 30,000 citizens but by means of representation a republic may consist of many millions of citizens who in this manner may reap all the advantages of democracy so as more than to compensate for its inconveniences. But by the abuse of democratical governments other disorders may arise either from a real or imaginary difference of interests or from the ambition of private men who having misjudged their election for public offices may endeavor to bring their partisans about them & to increase of numbers till an opportunity offers of getting into the administration the great inconvenience of party is that where it prevails which it generally does in republics public spirit is only for got & all the force talents & traitors of the state are employed only to fulfill the purpose or to raise the fortunes of private men at the public expense while the real concern

of the publice are wholly neglected when parties are nearly led  
tameled they may sometimes occasionally be used as checks up  
on each other but it happens as often that they hinder each other  
from doing any good to the publice each party desiring that the  
publice shoudt get no good except by their hands so that in this  
manner the publice is benefited by neither & indeed the  
history of most republics contains little else than an account  
of the effects jangling & uolunus committed by different  
parties in their turn against their adversaries so that any little  
private happenings appears to have been worse injur'd in any of them  
the best men of every state were commonly the worst us'd & in Athens  
one of the best of those republics a commoner character was a crime  
which was liable to be punysh'd by banishment which they  
called the ostracism. It is impossible to concive a greater satire  
on republican government than the history of Anaxander who  
offered a prologe for the defined regulation of justice &  
uprightness of any thing can expose any kind of government  
to better disgrace it must be when it makes it a crime for  
a citizen to be just & upright yet the favorable extenstion of  
republicanism to maintain the rights of mankind has in  
this supported its reputation against the very unfavourable  
impressions that arise from its actual history. The Roman

Rome was a mixed Government yet varied its form at  
founding times by the change of Consuls  
of the Decemviri & the Dictatorship  
which was devised as a remedy for the growth of popular govern-  
ment in time of danger a alarm ground much wiser  
when it found a Sulla or a Caesar to ma-  
nage it The institution of the office was a capital blunder  
operated as  
State having to make a magistrate without responsibility is  
to destroy all the rights of men at once The power given  
to Consuls to choose a Dictator though was by far the

It may indeed be truly said to be an  
ignorant error in forming any political constitution to infest  
any thing into it that may immediately produce its deposition  
yet the unsafe system or plan of government always contains in it  
many seeds of dissolution & indeed as many as there are parts  
in its administration because every thing that is committed to  
men may either be done well or ill & every expedient for improv-  
ing a government may be either attended to or neglected now  
the unsafe statesman cannot pretend to eradicate any of  
these seeds of deposition but only endeavour to prevent their  
growth & to delay their operation & tendency to alter the

ignorant men

indeed who have no acquaintance with human nature  
or who consider matters of government only upon paper  
uniformly persuade themselves that all the tendency of  
a government to despotism may be removed by either  
a counterpoise or other provision in the frame of it  
which they foolishly dream of a confederation that is alto-  
gether incongruous with a Union

To this world there are very many causes that may easily  
despotize nations, or any other form of government but all  
of them arise uniformly from a want of virtue in the peo-  
ple a Republick may be overruled by the venality of its  
legislature who may be bribed either by a rich citizen of the  
country at the same time popular or by a foreign prince It may  
likewise be destroyed by the ignorance & incapacity of its  
legislators who from ignorance of human affairs may  
ought to provide for its defense & except it an easy  
entry to the first enemy that shall choose to invade it  
one of the greatest dangers to which this country has been  
exposed since its independence

ignorance of the legislators on  
this very head being generally men of that description

A Republic may likewise be conquered for want of harmony in its members & one party may call in a foreign army to enable them to destroy the other. It may likewise be starved for want of revenue having no constitutional power to make its laws effectual all the dangers have constantly hung over this country ever since its independence & any measure to remove them are yet to come a Republic may likewise be defeated by foreign invasion especially when divided within itself & if no one power were able to reduce it might be partitioned among several powers or it may end in an anarchy occasioned by the vestige of parties so that it would stand in the way of the first usurpart Party may likewise divide its strength a territory by making more independent states out of one so as to make it an easy conquest to a powerful neighbour but what is least probable though most generally believed is indeed the only thing that seems to be desired is that a powerful popular citizen may raise a party that may enable him to assume an absolute authority & the citizen might be obliged to

his Tyranny Indeed any power or order in the State may corrupt or become the instrument of its destruction for that power that is necessary to be committed to rulers in order to enable them to protect the rights of men need only be turned into the opposite direction in order to destroy them had a great Republic can commonly perish only by its own hand,

" Altera jam teritoria nullas curibus actas

" Sicis Roma virtus ruit —

But the political suicide is extremely common in the world in so much that the most of them that have existed have perished in this manner The republican government has been established in many parts where it is now no longer heard of & all the ancient Republics having perished mostly by internal causes so that the few that remain are but of late date & when put together make but a very inconsiderable figure in human society the number of the late united states might make the greatest power

of territory of which the experiment of real republican government has ever been made the world before with attention & concern the rise of so many republics at once in an enlightened age & amidst so many circumstances that if well ma-

naged might tend to their prosperity but as the ground on  
which they stand is quite new & as they are destitute of  
thee defences of navies & armies that other nations  
hast in & besides are desirous to the arts of an old  
State

which would for their men with great pleasure the  
other states of Europe must be supposed to be hold with  
great curiosity & expectation the conduct of these states  
in the world has never seen so large an experiment  
made upon the strength & duration of republican  
government other nations in Europe that an our friend  
have been much mortified already by the great folly  
of our conduct since the

the honor which have been suspi-  
cible both in the conduct of states & individuals & those who  
had augured most favorably concerning our affairs begin  
much in our favor The second part of the above suggestion name-  
ly of a mixed state consisting of virtuous & vicious citizens is,  
that off

or am exceedingly doubtful whether they can retain  
A their virtues may be fitted either for an aristocracy or mixed

monarchy a people  
divided into two classes may be fitted best for anstoring  
the higher class might chose a certain number them selves  
to compse the legislature & other offices of government &  
might make such laws concerning admis conrto that  
body as might appear most equitable & best calcu-  
lated for promoting the peace & welfare of the whole the  
political happiness of the subjects under this form will  
depend on them

the case however little this circumstance is  
attended to in all other commonwealth forms an Anstocracy may  
either admit the lower class of citizens to some share of the  
government in the way of negative representation or as a  
party for particular offices or they may take the whole  
burden of government upon them selves leaving the low-  
er class only to enjoy the benefits without the care of it  
& this indeed would be the happiest form

though the lower  
class of mankind are certainly much better qualified for  
geding the effects & following the directions of a good go-  
vernment than for determining or pronouncing concerning mat-  
ters of publick utility for foreseen probable conqveras ~

or preparing against contingent Evils. The People can have no idea of a State ever being in danger unless it is actually invaded nor if the utility of any measure if not of such a nature as to affect their persons they can fairly judge of a man's talents or conduct make any distinction between one man & another except with regard to his love of money or his generosity they are however apt to admire a man who can talk vehemently & confidently for a long time without stopping but it is not very material whether they understand

considering that their conclusion coincide with their prejudices & even when they judge right they have often no evidence or conviction that they have done so & they are soon lost what is right in the way of blind confidence or Jacobinism.

Consequence of the number of public revenue & are commonly given money to a confidante of some because they know that that would deprive them of their negative

consider as the most  
peculiar part of their liberty. It is evident however that they know not what it is to sacrifice private convenience to public interest & an act is just & wise counsel only when it

the events now  
for whose like reason it might be thought fit in  
order an authority to allow no strain of government to the  
without

any than in making or executing them this must certain  
not now of learning before & easy circumlocution if they  
are induced

business of government than the ordinary  
class of people can be who can afford only to bestow a little  
time on the acquisition of knowledge which wisdom was all  
born with them & whose talents for publick business  
must therefore be supposed to be very small besides aul-  
gar souls when exalted to places in government become  
quite giddy

in commendation & confirm either to  
do nothing at all in the way of their office or thro'  
ignorance or pafion to do what does not belong to it  
some experiance of the world & some acquaintance with  
human nature & affairs aniuspary to qualify a  
man even to talk rationally concerning government  
but much more of this an need when he is to  
be concerned in legislation & executive

foreigners he would

make him diff

of his prejudices & the grossness of his ignorance but even with regard to internal administration the common sort of people are generally enemies to all

they have seen them

that nothing can be done which has not been done already the knowledge of other times & countries is necessary to enlarge the mind to free it from local prejudices & to make it more largely acquainted with human nature & the sober & proportionate but ignorance sometimes leads men sometimes to attribute

other men's prejudices that men conceive in favor of their own country when they are generally apt to over-rate their powers thus an Englishman no man doubts that one of his countrymen is

of tailors to make one man

laugh the France has always been the favorite sport of the English vulgar & ever since thus an actress now an attorney consisting of men of real as well as of relative dignity endowed with wisdom exceeding virtue & honor. Cha-

very no family funds

might take their turns peaceably  
in government according to a fixed plan & by good laws  
institutions & upright administration might make  
a people much more happy than if they had been go-  
verned

ourselves in other will or wisely done though  
we are generally supposed to be most pleased with it they  
might likewise maintain the authority of the laws at  
home & the honor

but the great  
difficulty in anflioner is to procure a good opinion of the  
administration & an uniform submission to thus au-  
thority men have always had an antipathy to be go-  
verned

inferiority in those who pretend to be above them  
among a number of nobles it must always be difficult  
for those in administration to procure respect among others  
or to make them comply with the orders of government

who govern is very neafly in an aristocracy  
children have not more mind of being kept in subjection  
by the rod than grown men by the scupper the mace

he lost the solemnity of his appearance & the attendance  
of his servants which offend his respect with his subjects & con-  
stituted the strongest foundation of authority

Lecture 106<sup>th</sup> April the 23<sup>d</sup>. 1709 -

the form of government what power can shew  
dispense with regard to exterior The lawyers say that  
the form of judicial proceeding on the robes of justice which enforce  
to due respect & prohibit from contempt & visitation but the admi-  
nistration of justice is but one mode of exercising authority In all  
the acts of government gravity solemnity & an attention to order  
ought to prevail The use of external ceremony is to attract at-  
tention to present inflict & contempt & to exalt more to reverence  
& dread There is no disengagement to human nature that we are apt  
to be affuted with external signs let any man examine what  
passeth in his mind & duller whether he is affuted in the same  
manner with the march of an army or with the motion of  
a herd or of a drove of cattle he will find that it is impossible  
for him not to be offend with respect for the one & with contempt  
& dread of the other It was a clear proof of Don Quixotes having  
left his senses when he mistook a flock of sheep for a great  
army of Pagan Knights The equality of mens stations needs

in general that an affected indifference solemnly & externally pro-  
claims a man more taught & disengaged than a man who professes  
the more he will be affected with odd & impudent & irregularity  
in every thing. The form of external ceremony is so great &  
those religions have always professed that from the long time  
made the most use of it. When been disputed indeed whether  
ceremonies can be properly adjusted to religious affections with-  
out attracting too much of the notice of the worshippers.  
Some have asserted that their devotion or bugbears instead

others again have contended that devotion being denied to  
an invisible object must be openly declared or manifested by every  
thing that is of a visible nature & therefore have contended a-  
gainst human ceremonies or worship. They take notice that  
in the pagan religion the people were never able to distinguish  
of persons that

testified the contrary. Mr. Popa law always held the image &  
the daily to be the same & that when the one was removed  
the other necessarily went along with it. Prince Cuorin-  
bodus the Sculcian complaining that since

I offer to in these mississian  
business Verus. Verus. Verus. Verus. Verus. Verus. Verus.

and them all with them to Rome but however much  
some parts may differ from each other with respect to  
ceremonies all of them have adopted music & the form of a re-  
gular ecclesiastic assembly

or religious affection Mr. Pusey has a-  
lone attempted to accomplish that by full solemnity & silence  
together with onward meditation which others add with music  
& vocal addresses to the deity. Mr. late Mr. Hume who as  
an Episcopel may be supposed to be a very impartial arbiter  
in the controverfies

arimous but he says that it is on account  
of this tendency to draw off the attention

immortal being to the contemplation of  
the proportion on the arts of painting & sculpture music  
and iteration so that his decision really in favor of those  
whom they design to condemn

simple fasteth indeed  
is the fundamental nature of that awful being whom  
we worship but very unpleasable to man  
most applied by Mr. Dr.  
just of his power for this reason he commends the worship  
of the church of England & that of the Roman catholis  
as exceeding well for obviating the minds

Being concur-

pying y<sup>r</sup> m<sup>r</sup> agreeably in contemplating the effects of  
the fine arts now the Magistrate would certain-  
ly need the aid of ceremony to distinguish him from others  
in the execution of his office as well as those of the other  
forms.

equals but may lose sight of the ordinary talents & condition  
of man in the solemnity & pomp of the magistrate Exterior  
respect is so necessary for the success of every government that  
when it is gone government is gone & the magistrate has  
no men greater than any other person aristocracies may dis-  
solve by division among themselves each party employing  
a part of the people to support their respective pretensions  
or by the intermixt of a neighbouring Prince with the peo-  
ple when the nobles have made themselves generally  
odious

getting a majority of the people on his side to erect  
an absolute monarchy in his power or one faction may  
destroy another or the people may or expel  
the succeeding one from a regard to the leaders. A Magistrate  
interested in the ruin of an assembly must be of the  
most undiscerning certain regard to the remain-  
ing nobles as well as giving the people in general the  
greatest share in the government. The Magistrate of Hol-

land in order to enslave the people

Stadholder to represent the supreme  
power & to be the principle executive magistrate in  
the state

the  
of a permanent or hereditary  
executive magistrate would never be admitted in the  
opinion of such a magistrate

would not be agreeable to the spirit of  
the people but would naturally exist upon the suns of  
tyranny commercial nations of a small extent are from  
the result of despotism that arise from the greater of  
all & unequal distribution of property best fitted to  
an aristocratical government & to that of a mixed Republic  
however paradoxal it may seem to people possessed of

D<sup>r</sup>. Adams's  
opinion that the way to lessen the influence of men of  
aristocratical disposition & distinguishable abilities or great  
fortunes among the people was to throw them together  
into a country by themselves when thus different inter-  
ests a passion might force to fall in with each other &  
they might be confounded as separate from the people  
at large the knowing men of these dispositions together  
in another by themselves whether it is confounded as

acted from their influence with  
the people. This very idea is well known in the English  
history & has been applied & realized more than once  
by intelligent statesmen in that country when the influ-  
ence of Mr. [unclear] in the house of Commons became dan-  
gerous to the crown in England. Admiring him very  
much at first how to proceed with regard to him because  
he had it in his power to cross all their measures by the  
Lord orford who had  
himself been long

strong which was afterwards made publick con-  
cerned his majesty that the only method of getting rid  
of this dangerous man

- Lord which could make the  
people immediately forsake him  
c. Mr. [unclear] was made  
Earl of Bath which put an end to all his popularity  
& influence at once

who was then called the great com-  
moner could do every thing that he pleased in England &  
by his great influence with the people dethroned Mr. Monck  
with the like success a title was first offered to his wife if

look so well the late Mr. Poole communicated to himself  
it had the effect Lord Chatham became a man  
of little consequence at Court & Mr. Pitt was entirely  
forget even his eloquence appeared to have forsaken

with affright

ment were no longer satisfied of. If it is not thought fit of  
the inferior class of citizens should be deprived of all share  
of government under an anarchy they may have a share  
of the nobles or by being entrusted not with an active part in  
the government but only with the choice of those who are to  
act for them an anarchy in disorders support the nobles &  
against the prejudices of the people may appear them in  
such a way as they think safe into either of the go-  
vernment which will contribute

have cast by intermixing  
greater number in the support of it In general it may  
be observed that all the forms of government an affright  
and a governed by the mixture of others & the most mix-  
ed government cities parties is much the strongest

mainly on this very want of opinion that a combination of all  
the simple forms in equal portions with a common re-

of any State  
Suppose however that such a form of government  
though truly excellent could not be lasting but the  
history of England has convinced the world that a  
mixture of all the 3 simple species of government is  
extremely well calculated

unequally predominant in the mixture  
at different times & last the great

did not attend to or forget to infest or  
or its friends to comprehend & attack men of very different  
tempor opinions & modes of thinking the Truth is that  
those who agree in establishing the most form of the English  
government do it from very different reasons & views  
some admitt & approve it confidit merely as a monar-  
chy when the influence of the crown under the founded differe-

Government  
by conferring all kinds of offices determines the choice of re-  
presentation in the electua part of the legislature others a-  
gain admitt it as an association in which a man suppo-  
sed dignity as well as his wealth is confidit & exer-  
cised & secured by concerning scandalum  
magnatum by which he can obtain large damages  
against men purposed shall be hardy enough to

say any thing  
character & when a man of a certain rank can de-  
mand an <sup>other</sup> favor when he pleases  
can possess an hereditary state in the legislature &  
highm judicature of  
to his family & then are ma-  
ny others again who admire the English government as a repre-  
sentative in what a small fortune sufficient  
of the house of Commons -  
then the whole people are supposed to be represented other  
measures of the king & ministry are concocted  
on his side may  
desire the King & the Lords while he adheres to the prin-  
ciple of the Constitution as Mr. Wilber did for 11 years to-  
gether & monthly

than ever he could have expected from  
the crown according to the Pathology of the Anticks there  
were 3 diff<sup>t</sup> humors in the human body each of which  
by its own law conflicted &

desirous that Phippsian always  
talked of abhorr fangorous & obnoxious habits &  
They derived almost all desirs from an alteration  
in the composition of their humors or too great graveline

that the legislator exercise a judicious  
powers of a state are analogous to those humors in the  
body as well as to the 3 simple forms of government &  
that the health founded a loss of a state consists in  
the equal temperance & adjustment of their 3 & in this  
proposing a mutual negative on each other by w<sup>c</sup>  
means no one of them can destroy moreover the other  
two it must indeed be acknowledged that in so far  
as wisdom & propriety of arrangement can contribute to the  
stability or continuance of any form of government this  
rests on both parts for duration

of persons of very different cha-  
racters & modes of thinking & it is no difficult in it that it  
is continually exposed to decay & dissolution from a variety  
of causes because the same arguments militate equally  
against the constitution of the human body

curtailed duration  
now as the body may enjoy health vigor & cheerfulness  
notwithstanding its multiplied fields of mortality  
vigor for a long time  
even whilst it's every moment exposed to 1000 fatal acci-<sup>dents</sup>

# Lecture 107<sup>th</sup> April the 24<sup>th</sup>. 1789 —

as every form of government rests only on a fiction of law  
it may be easily altered by an alteration of the opinion of the people  
on which it must always depend so even while it continues its  
existence is always precarious. Mont Voltaire quotes it as a proof  
of the factious spirit of the English nation that even in the time  
of their greatest prosperity Scander an endowed pamphlet published  
which

now as all forms of government resting  
wholly on... we every moment run the risk of deso-  
lution either most gross outward situation or by no means exclu-  
ded from this danger a fiction of good intention a sound understand-  
ing may at any time be so far impeded by the danger that the pub-  
lic runs as to be able to remove it by many probable arguments but  
there are two sorts of causes from which any form of government may  
run a risk or be liable to dissolution one of those that an alteration  
their operation another of those that may be produced by numbers  
of contrary causes with regard to the first suppose that the form  
of government was universally hated by the people then is a cause  
that cannot be disputed but must infallibly & immediately  
have its effect but with regard to an immense load of debt the this  
is a cause equally sufficient to destroy the form of a government  
yet it is of that kind that may be gradually parried & the effect  
of it protracted to an indefinite time for while the interest of it

paid while the of Hostile continues & while the  
people by the force of commerce & manufacturers are enabled to  
bear their actual burdens no man can say how long this disorder may  
be protracted tho' being mortal in its kind it cannot be radically  
cured as therefore political happiness under any form of govern-  
ment is merely a lottery & depending on a variety of causes & con-  
binations of circumstances which we cannot discern or foresee  
the lottery as well as the unlucky chance transfixes our powers  
of calculation so that there is no deciding positively in either  
way the very case often except what attracted Mr. Voltaire's af-  
forniment that is when it may be made appear by probable  
arguments that a nation is on the brink of ruin it may of  
course notwithstanding so as the danger may not overtake them  
as perceived by the greater number. In the beginning of the  
year 1756 the English nation were extremely infirm &  
the state of their affairs around very disastrous events their  
manners were不堪 the navy & army ill prepared  
& every thing seemed to be against them at the time the celebra-  
ted Dr. Brown published his estimate of the manners & prin-  
ciples of the times which fell before him the decay of their  
manners & the danger of their condition in a very able & fine  
manner his book however was received with great  
reproach & excited a strong

contained a public affair coming at  
that time to be brought to W. Pitt a great Enthusiasm was raised  
in the nation till theyorsfe were themselves made the utmost  
exertions to avert those dangers of which they had been warned  
they then began to despatch Dr. Brown's tract & to defend his  
arguments & calculations tho' nothing could be more solid  
or natural than that it was published & it had in a great  
measure the merit of exciting those exertions that rendered  
the execution abortion in like manner when the different  
confederacies of the American States were first published

concern among of  
friends of the country abroad & many wise & good people were  
of opinion that the appointment of a council of Confos by the  
last session of the

convention besides the other singularities not its form  
might prove to be of dangerous consequence & expose them to the  
danger of a rebellion every 7 years yet that period has once  
passed over without considerable harm to the Confos

parties of the state who had both despised in very many instances  
from the form of the confederation though one of the parties  
took this designation now thus rendering to admit it it in-  
evitably yet these oppositions were entirely without effect

followed from them & it may be possible that a period of years may however pass over without any revolution & that the form of the government may at last run no more risk from this article than from any other cause whatever. His states of greater wisdom find by experience that neither a mixed regime nor an aristocracy will favor their situation & the elevation of that people a mixed or limited monarchy will then be best for their circumstances & this form the English constitution is certainly the most preferable & most capable of improvement without any alteration of its essential parts. Mr. D. funeral

which are effected by the different branches of the English legislature appear to ignorant & superfluous officers to threaten every moment to arrest the operation of government altogether but this very multiplicity of their concurrence effectually hems their agreements & obliges them to make full concessions to each other as may promote the common safety now the reason of this negotiation

any suspicion that the Lords are wiser than the commons or that the King & his counsellors are wiser than both but they are fitly designed for securing a just & balanced of the powers that none of them may be above contrived or have it in

the power to run the State may be supplied and with  
some few of lesser that the prospect of a rupture by each  
of these three powers will produce a perpetual contention  
among you or a constant jealousy of each other but tho'  
this is true in some measure yet on the whole matters  
are perfectly necessary that all of them should agree before  
any law could be established.

moderation & in an amicable manner  
& each branch is obliged to take care not to propose or un-  
dertake any thing that may be probably disagreeable to the  
two others. The also has power of making peace or war which  
is granted to the King by the constitution sufficiently  
balanced by the Parliaments not giving the power of Taxa-  
tion as well as that of augmenting continuing reducing the  
army. In this manner the house of commons proposes the  
sole power of originating all money Bills yet they can im-  
pose no tax what so ever without the consent of the other branch.  
The common have likewise a power of impeachment  
but the lords have the supreme power of Judication &  
the King has the power of pardoning so that all the 3  
have different power their views may be most agree at last  
the great inequality & disproportion of representation the  
English house of Commons is entirely the work of time &

confederate y<sup>r</sup> & s<sup>r</sup>. fact it has done little  
harm of any at all w<sup>t</sup> the whole matter ultimately depend,  
upon th<sup>e</sup>

prob<sup>t</sup> of this we need only consider the expensiveness of the country  
since the late revolution the representation here is almost ma-  
thematically equal the mode of election is perfectly free & the  
number of Electors much too great to be bribed yet the  
representatives that have been chosen in this country with  
all their advantages have never given any more satisfaction  
to their constituents than those who have been chosen in  
England when 6,000 individuals can choose a majority of  
the house of commons which consists of 500 members & 5 in-  
dividuals alone can find 44 members to the Parliament  
so that equality unquality of representation & a free & con-  
fidential election have almost the same effect nay on the contra-  
ry there has been no rebellion in England for more than 43  
years whereas there has been one in this country a very  
short time after the peace & the people of England who equally  
free as those in this country yet do not complain of those laws  
that are made by representatives that are choosing others while

complain loudly of the conduct of those representatives that were  
chosen by themselves & that freedom of election & equality of representa-  
tion appears to be rather imaginary than real advantages again

greatly infested of selling from the year while the credit  
of the States was engaged

almost to nothing by the arts of specula-  
tor who defrauded thus Bills at 4 shillings per Pound

would readily claim it by the infidelity of their friends if the  
States were able to raise the money & other only thus mar-  
tially feeds them

to whom they owe nothing & who  
were the instrument of breaking their end & rendering it im-  
possible Northern to pay their most faithful & meritorious  
servants.

actual experience that the highest freedom of con-  
federation & the most perfect equality of representation & the  
lowest freedom of election are no certain guards for an  
unscrupulous administration & may have little or no weight  
for opposing the form of government & indeed the founders  
of our country for the best guards for upright administration  
& political happiness for we see that England & America  
have both

account from the most corrupt administration  
the great national debt of England was contracted gradually  
by the representatives of the people & the only fraud of  
Congress was the avarice act of the representatives of the States

exempt a nation even from the very  
worst & most disgraceful administration political happiness  
she actually enjoyed by

different causes among which the form of their go-  
vernment appears to make a very mean figure & to have  
no distinguished share or influence on the other hand the  
character of the people &c of those to whom they commit  
the administration

importance to their happiness than the es-  
tablishment of any somewhat severe & we

government has no influ-  
ence at all upon those in France & Holland whose forms of go-  
vernment are very defective

a condition as England & America on what  
the form of government approach very nearly to perfection. In

of government if  
it could be decided in general to ought proneness with great  
certainty that that particular form which gave the greatest  
encouragement to public & private virtue is undoubtedly the  
best of all others because if public & private virtue are  
cherished & cultivated by a government they would result

stability and could not properly derive from any other  
cause or cause whatever mixed monarchy appears to  
be the best adapted to those nations where the virtues  
and the minority & which consequently cannot support  
republican government but as many of the circumstances  
of a people may gradually change from strength that  
they ought always to make proportional changes in  
their form of government because when changes of cir-  
cumstances take place gradually as has been the case  
in France they are generally accompanied with cor-  
respondent changes in government but sudden innova-  
tion of any sort precipitate men into situations in which  
they are not qualified to act the zeal of nations for  
the favorite form of government is very remarkable  
the citizens are bound by oaths to support it & an  
endeavor to alter it is high treason which is always con-  
sidered as the greatest of crimes in every state being  
supposed to be committed against the whole society yet  
notwithstanding of all their precautions in fact grad-  
ually changing & often this is therefore like all other

France & Spain have been  
more arbitrary than they were at first limited like the  
English monarchy.

by the publick against the English manner  
they may be said to have been perfectly absolute under  
Henry the 8th Queen Elizabeth & James the 1st & 2d would  
probably have filled in that form of the Sons of King James  
the first had

before what was the condition to which they  
were reducing them now small change of government every  
man of virtue would desire to be satisfied of 3 several things  
1<sup>st</sup> What a change is caus'd by that it is necessary  
2<sup>d</sup> That the changes

are justable & practicable as well as lauful &  
necessary & no good man will ever consent to any change  
on the form of a government unless he is satisfied in the particulars  
hence the Tories in the late war who could not see  
how they were absolved from their oaths to the government  
of G<sup>t</sup> Britain

met with it if too many of them had not displayed  
so much inhuman disposition & ungrateful, of such bas-  
terian violence towards their neighbours as necessarily excited  
the indignation of mankind and hath of allegiance to a gov-

icular form of government

the guarantee by being  
called to witness it & no man can be absolved from the obli-  
igation of the contract while he remains on the territory  
of the State

of protection but to pass from one form to  
another without violation or injury argues a most degraded  
mind entirely devoted to interest & ready for the commission  
of every crime when a government is thrown into sudden  
confusion so as to threaten

embarrassed how to act  
that he may do nothing that would be contrary to his duty or  
unworthy of his character oaths that an admiral &  
captain by oaths cannot bind after they have left  
the country & cannot afford even the shadow of  
a man of honor will rather die than betray his country  
& tho' he may yield to a superior force he will never  
give his consent

by force fraud or villany in all domestic  
disputes it is extremely difficulting to good men how to  
act especially of the question is now open or doubtful &  
when it cannot be known or conjectured on which side the  
majority will be found but wicked men are not at a loss  
or their weapons as they follow their interest & their passions.

It is a matter of great importunity when the most, or elements  
of a form of government come to be the objects of general dif-  
fusion because very few are any way qualified to ex-  
amine them properly & many are anxious for occasion  
of this kind to promote their private interest by throwing  
every thing into confusion

Fallwell 100<sup>th</sup> April the 24<sup>th</sup> 1709 -

those that are engaged have thus all at stake

We come now to a third supposition with a view to deduce w<sup>t</sup> is the best form of government & that is of a people or Kings  
nearly equal in personal importance rather than their virtue  
the state must rely for the performance of their civil & political  
duties on a people among whom a continual advertisement  
jubordination takes place without any example or any desire of  
equality such a people are not fit to govern themselves as  
the continual gradation of ranks which is supposed to take  
place among them must terminate at last in a Prince or a  
monarch they require an absolute monarchy or a kind of  
aristocracy

This applies very properly to the state of the na-  
tions of Europe at the dissolution of the Roman empire out of  
which immediately became monarchies either under their national  
chiefs or under the leaders of the bands of northern peoples who  
had filled them places in various parts on account of the  
weakness of the Empire. The same cause may in a great  
measure account for the prevalence of absolute monarchy  
in most agreeable places of the world those who have not virtue  
to govern themselves or to favor the performance of  
their civil duties must necessarily be under the restraint of

taken into of with a view of securing this subjection It is  
constantly for the good of mankind that those who cannot  
keep themselves within the bounds of their duty should  
be under constraint & necessity lest it be a matter of less  
importance what the nature & cause of that constraint  
may be. The fiction of law which is best calculated for just  
a people is that which gives all power both legislative &  
executive to the Prince & that he can obligate the  
parts of it to others refusing himself the supreme power  
is always a sham if the principle of fact is most operative  
upon those minds that are destitute of virtue. There-  
fore must make one of the chief principles of this govern-  
ment last as an apostical fence of honor may otherwise be  
often found in characters that are destitute of virtue. This  
too ought to be excited & engaged to form their obedience  
The prince being by this constitution the head of the country is  
supposed to be the fountain of all honor. Therefore is  
supposed to enoble those who are employed in it & his de-  
cease to expose to disgrace under a monarchy all  
rankers ought to be supposed to be interested in the honor  
& service of the Prince which calls in monarchical states

in the full state of Palms before the King is knowne supposed  
to be the author & guardan of the laws all actes of government  
are done in his name • offences are aggravated by being sup-  
posed to be committed against him the peace of the Kingdom  
called the Kings peace & all the Breakers & disturbers of  
it are supposed to have incurred his displeasure the desire  
of pleasing the prince as well as that of his safety & a sense of  
honor which is supposed always to be connected with the power  
of the Prince & therefore the two great principles of conduct  
under absolute monarchy & power alike absolute obedience  
the Prince is always supposed to be in the right & those who  
oppose him to be certainly in the wrong & as he has the dis-  
posal of all places of profit trust & honor intent as well  
as honor attack the subjects to his service the higher rankes  
by attending the Court & waiting on the person of the King  
have especially ingratiated themselves into his good graces  
& the lower people are encouraged by their countenance ap-  
probation & protection of their superiors the union of the  
Subjects in an arbitrary monarchy consists in that chain  
of dependance upon the Prince that includes every individ-  
ual but great men in monarchies have often their friends

The Prince Thesi graces dependants or  
feudal tenures joined their monarch only when their lord  
led them out of him and the monarch were.

They generally thought that their duty  
obliged them to follow their lord against his & their sovereign  
though they did not intend to dispute his sovereignty other  
than as they imagined that they lay under

Lord was supposed to absolve  
them from the guilt of treason when he was deprived of his  
sovereign now it is impossible to imagine a fitter bond of uni-  
on than absolute monarchy for such a people as we are prop-  
osing to exert & they were to endeavour to exert any other  
form of government it could neither be peaceful lasting nor  
profitable the pride of a hundred Baron &c might dis-  
courage him to think that it was no disparagement to his  
dignity to submit to a monarch tho' he would naturally  
think it below him to yield to his equal or his inferior  
The gradencies & gradations all based on common law  
lead to an iron and

informing what such a ~~supposed~~ in an army by a genera-  
lization of full conduct officer & ought to command a ~~whole~~

which by opinion & an artificial jnsp of honor agt.  
All that have no rules of conduct or standard of Etiquette  
only by the arbitry of a despotic power if they can really  
be kept in order by any government whatever we shall see  
immediately that it is not necessary to suppose that so-  
cety for which this art of monarchy is fitted should be princi-  
pally accustomed to hereditary distinctions or actually  
under the power of a jnsp of honor but barely that  
they should be capable of such relative dignities & his-  
torical distinctions as the effect of monarchy can commonly  
give to those that have the most habitual attachment to  
the interest of the monarch & the enforcement of the order of  
society by a jnsp of his authority sometimes dignities come  
to exist an artifical jnsp of honor & an actual imprac-  
tment to those who receive them as absolute monarchy is  
less suited to as corrupt & depraved state of morals It is  
certainly much better that men should have some principle  
of proper action than that they should have none at all so  
that altho an artifical jnsp of honor cannot be expected to  
enforce men from all vice yet it may be useful at least  
for restraining them from such actions as are branded by  
public opinion with the epithets of base mean & dishonorable

a partial & frequently violently obtained  
belief - of a common religion which has  
in all ages except the present & in all countries except those  
been uniformly conceived to be indispensably necessary for pre-  
serving the order of society & securing the performance of civil &  
political duties. The belief of a common religion was very  
much esteemed by the ancients. It strengthened the bonds of  
a society by the solemnity of oaths, sanctifies religious rights  
& they considered it as an offence against their God to insult  
the majesty or disobey the authority of the Prince. The sense  
of religion was supposed to influence & direct all the actions  
of the citizens & a desire of glorifying the God was supposed  
to lead them to seek the welfare

Indeed the world

has never yet seen or imagined a monarchical government  
without a common religion. It is true indeed that twoпад  
Princes of the present age namely the Emperor & the late  
King of Prussia made no secret of encouraging

toleration but it related only  
to mean persons & conveyed nothing except impunity. It did  
not confer the privileges of the common or established religion  
or enable the tolerated sects to fill offices of Government.  
In all their respects it left the established faith & its

Some moderns

pretend to have discovered that men may be very well  
conducted in society without any common belief concerning  
religion & that political union & the performance of civil  
duties may be found without men believing any thing

absurdity

what fools have men been from the  
beginning of things in endeavoring with  
falseness? No recommend  
the truth when disengaged with belief of the publick & caution  
them against error? what fools we say must  
with pains of human party  
can be of well founded & civil & political duties as will  
be performed without any belief at all or with a yearly  
monthly weekly or montentary once or by believing  
every contradiction is a to display in the strongest lights  
the power of the mind to believe whatever it pleases  
If a steady or uniform belief be so bad or so useful a thing  
as this opinion professes absolute scepticism or the belief  
of nothing at all must be the highest criterion of  
found

it were enforced or not is somewhat hard to imagine a party  
can make no distinction between loyalty & treason nor can  
he care in the least whether he commits the one or retains the  
other he mustt always reckon it quite indifferent whether  
he keeps his promises or engagements or not either to the state  
or to private persons or whether he is just or unjut in his  
dealing the death & the loss of all the citizens or quite in  
different to him & he care not whether he contribute to the  
one or the other of these ends according to his promises he  
may do whatever he pleases

promises or swear in consequence of the large-  
ness of his companion & the comfortable knowledge of unuseful  
utteration In effect his religious belief or unbelief would be a vast  
comfort to him he would not the th. gather

Julius Cesar he

would destroy by any acts that could be thought fit all  
that opposed his will & he could destroy the monarch  
too without committing the least transgression against that  
large way of thinking which he had adopted but monarchs  
would never accept of such subjects over but the least trifl  
in them himself

I am perfectly satisfied that there is a God that has justice & will  
punish evildoers that he is true & hates perfidy & that it  
is not lawful for a man to pretend to have it in his  
power or choice whether to believe a God or not. I am  
gratefully sensible that the United States have against  
absolute monarchy & their great admiration of England  
& daily change amongst of belief which must make  
them utterly incapable of monarchy though it be true that  
they have by no means the same feeling against des-  
potism.

Lecture 189 April the 25<sup>th</sup>. 1709

It is often observed in common life that the sub-  
jects of religion fill the room of virtue in many cases & that society has  
no other security for the performance of moral & civil duties than their  
christianal professors. This interest fills the room of Palatinate me-  
lancholy & spreads the countenance of real happiness around. the want of  
religion & fear of punishment pollutes the room of honesty & va-  
nity & the purpose of frugality & profusion audibly pro-  
duced some of these consequences that might be expected from liberality  
& on this score the apparent virtues of many men are not without  
reason suspected or counterfeited now in a people that require a  
monarchical government there is no better party to be found for

than for  
thus performing those of a moral & mind artifical principles  
whereon must be established on the place of natural & pretensions  
must stand for salutes in many cases but while every individual  
attend only to what concern himself the monarch for the pro-  
tection of his own person & dignity must attend to the public safety & enforce public order now as all the greatness dignity & hap-  
piness of the monarch depends entirely upon the harmony authority  
order & continual happiness of the society consequently he has  
the greatest interest - of all in its safety preservation & in  
government being both the maker & the guardian of the laws he  
is bound to see to the administration of justice & to preserve the rights  
of men the judges are his servants & it is his interest that they  
be upright steady & just & because they are of his appointment  
he will be consider'd an answerable for their conduct & the public will  
be desirous to judge of his character by those of men whom he appoints  
to the different offices of government Honor ought to be their motive to  
induce them to represent the person & authority of the sovereign w<sup>th</sup>  
properly & dignity & honor ought to be his motive in choosing proper  
persons as he is fain to get credit for all the good qualities of  
those whom he appoints when a monarch can for the peace well-  
fare order oppulency & dignity of his subjects he care for himself  
& his own family In order to be a good monarch would require a degree  
of inflexibility equity justice & humanity that seldom falls to  
the lot of men & as many have an interest in deriving

him her plancs or mind of a degree of authority superior to  
them & to have information of every thing of consequence that  
passes in her Kingdom the monarchs of Europe had certain  
officers whom they called their eyes & their ears because  
they depended on their information as we do on that of  
our sensor but though the King is the fountain of honor in a  
monarchy they were not able to preserve these officers from  
infamy & hatred as they were commonly supposed to give  
much false information & to defeat the king's & betray  
the confidence of Princesstit in a monarchy as well as in  
other forms of government there are multitudes who desire to dead  
the publick that is the grows & they must necessarily  
abhor all the means that would serve to discover them-  
selves & to bring them to punishment nay even the in-  
formers of a monarch force him only for a while &  
will often betray his interests if they can do it with-  
safely & to their own advantage a monarch has rarely  
any friends though multitudes of dependants & therefore he  
is obliged to prefer those who from gratitude or a sense of ho-  
nor he thinks will have a regard to his interest although  
they may have qualities that render them odious to his  
subjects now the favorites & confidants of a monarch may  
be very haughty unjust & insolent to the subjects though  
the fullness of their behaviour at first & thus apparent

devoted myself to the interests of the Crown may render them  
very agreeable their masters. A monarch being constantly accus-  
ed to the language of flattery & ceremony has indeed very  
little chance of being informed of the truth in any thing &  
when he thinks that he has disengaged a person whom he can  
trust & admit him to the knowledge of friendship

more than to others. The falsehoods which  
a monarch has daily represented to him by many of his subjects  
who want to make him the instrument of their wrongs have  
a tendency to render him

in the daily occupations of this kind which  
an attempt made under it utterly impracticable for him to make  
particular enquiries for these must stop somewhere & it is  
natural that his double, hard & delusive mind by those that  
are nearest him & when he used to trust now a monarch  
must certainly be supposed to take a trust those most who  
appear to favor him with most respect & attention & those  
especially who has an attachment to his person & in-  
trust horses in the Courts of the East the Eunuchs of the  
Palace who performed the manual services that were ne-  
cessary about the person of their sovereign & who managed  
his pleasures & amusements were commonly the confi-  
dential friends of the monarch & had the greatest  
share of his favor & often hung daily in his presence

having manifold opportunities of showing an attention

credit which their place & power & their keeping the  
Gates of her Palace gave them great opportunities of prefer-  
ring & they had it always in their power to admit or ex-  
clude whom they pleased & to give the sovereign such  
impressions of any man as they chose but the condition  
of mankind was necessarily miserable when govern-  
ed by officers appointed by favorites of the king but in  
common cap. a monarch overbearing class must re-  
gard those who have forced or are capable of forcing him  
• this proves a great hindrance to justice & to the reward  
ing of merit and a monarchy a Prince may be very fin-  
pable that a particular candidate for an office is a very  
good man & extremely fit to fill it with honor yet  
perhaps at the same time he may be obliged to give  
up to another whom he knows to have neither virtue  
nor capacity fitly on account of his connection w/  
some of his neighbors

informs us that Julius Cæsar made his friends not of  
the best men in the state nor even of those whose persons  
characters were most agreeable to himself but  
fondly of those who could be most useful to him &

monarch appears to those who contemplate them at a  
distance to possess immense power & to be able to do  
whatever he pleases but if he would reign with comfort  
& safety he must be subject in the first things to the  
will of others himself can win his friends by favors & often  
follow them & have instead of his own a monarch ought above  
all things to study worldly & profiting himself so many  
as daily expecting from him what only one can obtain  
can apt to ludicrously offend if these expectations are not  
gratified now if he does not attend to this the before-  
ing of places instead of extending his empire may only  
mar the number of his enemies as he must always  
necessarily surpass a much greater number than he  
can slay as among a number of candidate every one  
is conscious of his own merit & full of hope of suc-  
cess it is a matter of no small difficulty for a monarch  
to reign with a good grace & to have this well af-  
fected to him by hopes whom he cannot oblige by  
dues among the few qualities belonging to a prince  
which Charles the 2<sup>d</sup> of England actually possessed

with

other more agreeable than the grants &  
favors of some other Princes for the intent of a monarch  
to ingage in his service the most vicious & profligate  
men of his kingdom had the great ~~of~~ difficulty

of pretending nowas a cause the proper fine of stat-  
ting a monarch cannot expect to distinguish his friends  
from others by the manner in which they express their  
attachment to him nor can he always depend on the  
account of the character of men which he hears  
from others besides as attachment to his service is the  
quality that must appear most agreeable to him  
this will not

Lewis 11<sup>th</sup> refd to say that when he left a place

one ungrateful meaning by the first step whom he had  
refused & by the last the person whom he had refused for  
who have commonly had a good opinion of their own merits  
& prouess that it is scarce possibl for the liberality of  
the prince even to come up to their expectations for his

plan wherein at last that he has got only his due  
or perhaps something less & that whoe ever refused a  
favor that they had a shew an alibi to consider the rejec-  
tion as the greatest injustice on the part of the Prince  
& to entertaine growne resentments against him on that  
Score hence it has always beene the Policy of artful  
princes & ministers to sue those in hope whom they  
could not immediately征服 & to make them believe  
that their disappointment was as growne to the Prince as  
it was to themselves sometimes indeed this sort of Policy

has left that after the creation of 2000 ministers from  
that Bonaparte for not accepting the common prayer book  
he had personally intreated of the King to let him have  
a curacy only that he might have an opportunity of  
practicing the gospel & the King the Lord Chancellor

& thought the favor so slighte was so wryg-  
t small he was never able to obtaine it there is very strange  
says Mr. Webster that a man who had so great friend  
at Court as the King the Lord Chancellor & the Secretary  
of State shoud not have beene able to procure a small

actuary yet says he they

thus grows to be false & thin is

a certain degree beyond which of continual lying & court disimulation is ever carried it becomes entirely ridiculous among other reasons what monarchs have for preferring particular persons one to attack to their Prince those who are really might be dangerous to them so that the person who is actually good is not always offend or esteemed more than the rest the Court of a monarch is a scene on which disimulation opposition enmity & malice are continually exercised in which the qualities are the most perfidious and generally most useful

honesty uprightness or frankness

"Exeat aula que ardet opere paces" The inclination

to his favorite an flattered with the greatest care every

for their own advantage  
nowhere no small wonder if <sup>amidst such</sup> a mixture of a variety of  
persons & such an opposition of int-

of government  
when so very little truth is told & that little common  
ly not clearly it is truly surprising that the Prince

though it is highly for his interest to do a monarch  
in imposing taxes ought to consider all his sub-  
jects as his children & to endeavor to agree them  
as little as possible but what he has once com-  
manded he must execute with firmness as his  
authority is. Therefore regard of his dignity & must  
never be disappornted affected a prince who once  
professes his authority to be

parred will not continue long  
in the station of authority the same is indeed the  
case with those who are charged with the execution  
of the laws under all forms of government that power  
when the authority of government

the government may  
be said to be at an end & cannot continue long  
even in appearance unless it retains the vigor of  
its authority while all the subjects continue to obey  
the

just administration of crimes are punished laws are  
imposed revenue is collected & in in short every act  
of good government may be performed to a great  
if not greater perfection under a monarchy than

original virtue enough in those who are employed tho  
subordinate rank in a monarchy will endeavor to  
court the monarch's favor & to confest their own digni-  
ty by actions that are either splendid in them-  
selves or useful to the state whilst they are at the  
same time amenable to the King

<sup>the same thing</sup>  
under monarchy the preservation of authority becomes  
and yet to every one besides as the authority of govern-  
ment is the sole guardian of the laws which secure  
every man in the possession of his own rights it is  
every man's interest that this should be preserved  
under all forms of government without distinction

to the public except on so far as to actually oppose & to  
authority prevail those who suppose that it is liberty to live  
under a form of government which they can dispose with im-  
punity will find themselves greatly mistaken in terms of  
consequence when the majority of the people in the country  
except of their property they will then be thought too

o that whatever gives one man <sup>any</sup> ~~offense~~ or  
to day may give another person the same opportunity  
to cheat him to morrow or perhaps to deprive him  
of all that he has in the world then is nothing in  
what the divine right & monopoly of government more  
appears than in the protection which it affords to every  
man's person & rights & the security that it gives against  
the various injustice & malice or cruelty of others hence  
every good man will unvaryingly be inclined to the auth-  
ority of government what preserves him & all others as  
the extention of it must be fatal to every thing  
that is dear to ~~man~~<sup>man</sup> man

Lecture 190 May the 5<sup>th</sup> 1709. <sup>1709</sup> Examina-

The members of a monarchical state  
are drawn together & moved in a body not by their love to the  
community or to man kind but by their veneration for their  
common superior & their exactions from him as the source  
of enforcement & honor. In every society  
<sup>whether</sup> a love to the commu-

noty cannot be supposed to be strong enough in the generality  
of men for that purpose or else of them for a sense of pub-  
pular or Venerable for a common chief or authority inex-  
tremely suited for that purpose. Settlements of them alone  
give elevation & regularity to the minds of men a man who  
can esteem worth real or supposed & who is desirous of becoming  
engaged by his conduct sholobj of them will probably inde-  
vour to behave with propriety in order to merit it & he may  
be expected to imitate that worth which he esteem's & respects  
but a man who himself esteem's nothing & who cares nothing  
for the esteem of others has no principle by which he can be go-  
verned as kept within the bounds of his duty except fear of  
present danger & this is one of the greatest implacables of u-  
njust & mean government that under it we daily meet with  
men who have no esteem or respect what power ever for  
the highest conceivable degree of worth & so desirous of being  
esteemed by others such men as this will be apt to violate  
contracts & to transgress against justice & the rights of  
property without the least remorse

not what it is to have a  
sense of honor The character & conduct of such men already  
call for disapprobation & under them guarantee under any form

J. G. - a sense of honor & shame therefore must  
be of great inf<sup>c</sup> & extent besides a monarchy custom & gen-  
eral opinion are fit to influence a government but such a  
sense has no regard to itself stand in need of immediate press &  
external restraints. The great end of Education is to put down the  
butal & blind principle & makes men capable of be-  
ing influenced by moral & rational

No Conscience

clo the opinions of men on the restraints from evil  
actions & such as have got to them they can no longer be the  
subjects of moral government & have as much need of restraint  
as children or madmen the love of honor is a strong principle  
in those who have it & those who have it not are utterly  
incapable of conceiving what it is Monarchs have  
many opportunities of qualifying their subjects with dis-  
nites as well as with enriching them by lucrative  
offices throughout their territories generally

refine themselves & lose

all its value because that cannot be a mark of dif-  
ference which many people are fond of of the order

of St.  
France & the Knights might have composed an army  
so that at last it became neceſſary  
of that order to bring it into  
differen<sup>t</sup> to make it to be totally laid aside. The possesſi-  
on of adventures or relative dignity after gives  
principle & a strong in-  
centive to properly & dignitily conduct all the pedali degni-  
ties of Europe an originally despotic military an what an now  
called coal of armours were only the marshals by which  
Soldiers were deftly

exprefed their exalt<sup>t</sup>. many men who have been little  
ſent off the power of reaſon or the authority of juſtice have  
after temeritatem exalt<sup>t</sup> to regular behaviour by a ſort of hono-  
r a pair of differen<sup>t</sup> The ancient Spartans used to make their  
Slaves drink to exhibit them or that

the differen<sup>t</sup> to which  
that are except for human nature they might bear it &  
affliction from it Even the deft &  
& diſtinguiſh or conuerſation w<sup>t</sup>.  
those who are condicatoe for it is sufficient to give a  
gelff or Swallow to the manners of mankind & to ex-

tending to realize them & this is the true cause of that general  
envy of equality a problem which is ordinary to be observed  
in the subjects of monarchies & for which they are so  
apt to value them less in a republican government  
no man has any just distinction to hope for except

of a few & his present behaviour has no sort of influence  
on his circumstances or future hopes for whether he is  
barbarian or gentle learned or illiterate a savage

for wealth

& for all the honours of a republic but in a monarchy  
there are so many people who used to be obliged & the  
offending of one person may be of every great conse-  
quence to every man

behavior becomes necessary for  
every body especially for such a world made their fortune  
& all men are naturally full of hopes of their kind  
that that

fortune must soon become theirs that an even  
they who have little or no hope of arriving at honours are

ambition to be thought worthy of their own problems  
gluttonous or covetous.

expected to be very general ships who have no  
envy or desire of honor not only want one of the most power-  
ful restraints.

enjoy more in life the maxims of ho-  
nor are not susceptible of a sudden change & the dignity of  
family though originally confid by the prince are hereditary  
& therefore independent now both these circumstances oblige  
the Prince

at the top of that gradation of dignity  
that is peculiar to monarchy this conduct must be held  
up as the standard of prosperity to others & he must give  
others as little opportunity as possible to speak of him to  
his disadvantage for this purpose Princes

often disapprove & disbelieve any encroaching upon  
them with the People of their Province

in the state of report or apprehension shall be secondary object  
of A may be necessary for Princes to encourage men to talk as  
they please of some parts of their conduct in order to prevent their  
being accused either of some other parts of it This however far

to inflame his countrymen encouraged them to say whatever  
or his intrigues & the  
scandal of his private life his forquenip of the Constitution which  
early deserved & her ambition affords a suffi-  
ficient proof that he did not desire that that part of his con-  
duct should be noticed or taken notice of & if he had endeavored  
repentance in this case this might have屏ed the eyes of the  
publice &

to turn away the attention of the publice  
from his ambition or unj ust conduct with regard to the state  
he cut

principle spirits of others accordingly the people having  
got this strange story of the Dog to corrupt their philosophy &  
sagacity ceased to enquire any further into the other parts  
of his conduct which was all that he wanted

monarch comes under  
an obligation to maintain that honor to her faithfully to it &  
to do nothing to disgrace the judgment of her sovereign ac-  
cordingly loyally

Hence it is a  
received maxim in law that Wrason takes the blood

that men may be engaged to a  
grateful conduct towards their sovereign by the religion which  
they have & the honor & will join of this possibility.

change & thus  
permanent

I may be thought extraordinary that to

honor the particulars of virtue  
but as the people's principles of a particular form of religion may  
have quality to attract the attachment of men as well as the custom  
of submittalingle a particular form of government

religious rites &c of the greatest use in enforcing political in-  
tegrity & in producing a like & attachment to the government  
of our country. It has indeed been often alleged against the  
influence of religious belief that many men do not  
believe

in their conduct by what they believe but it must be  
an eternal truth that men will always be much more  
influenced by what they believe than by what they do  
not even although we should suppose

conduct the Prince  
in all monarchical countries wherein the chief part of

all the powers of Europe have certain titles conferred on <sup>Religion &</sup> them by the Pope excommunicate of which they highly value themselves & for which they are highly esteemed by their subjects & although all these titles are at bottom

consecrated by the Holy Seal thru the Emperor is <sup>peculiarly diff.</sup> ~~Emperor~~ <sup>his orthodox</sup>

majesty the King of France her most Christian majesty  
the King of Spain her

faithful majesty & the  
King of England while they were Catholic Defenders  
of the faith

thus religion or to profess  
that they were indifferent about it they

this law notwithstanding  
planning the suppression regard of their subjects to monarchical government if they should declare that they abhorred  
all religion alike

invented would  
be equally entitled to their opinion & protection it would be  
very far from minding the matter to have the same  
faith & worship & the same public ruler of

that can be conceived & it may be justly questioned  
whether any other can be put on its place that will serve  
the same purpose for any time after Henry the 4th of France  
had conquered all

Hee by the force of his arms found  
himself still unsafe & desirous that it was utterly imprac-  
ticall for him to reueare thing of Braine without putt-  
ing fully propficing the Roman Catholick religion

<sup>the protestant</sup>  
faith which notwithstanding he feloniously intended if he  
believed any thing under the hands of  
Pope to obtain the reverence from the friends of the Roman  
faithe after all he was apaynted at last for being  
supposed not to have beene zealous enough in his publick

Roman faith as perfectly known  
appear to have proceeded from <sup>the</sup> ~~the~~ <sup>own</sup> ~~own~~ regard  
to the ends of the  
not always with justice but that this may not be  
suspected to have arisen from something peculiar to the

James the 2<sup>d</sup> of England irritated w<sup>t</sup> the religious part  
of his subjects & now would change their faith in com-  
pliance to him as all such a had lost all character  
Colonial C though a deland Infidel delined

to turn Catholic he replied that he was engaged to the  
Emperor of Marocco at whose court he had been Embas-  
sor

Mahometan so that King  
James Popish wen affaicting

Crown Maryland

an never sure what standard of righte wrong others may  
admit in practice when they an bid agreed with them in  
religious belief & the general pounifice avow it with  
which one set is disposed to trust another is a suffi-  
ent testimony that men do not really believe what  
they commonly assert

exactly the same but as many  
Sel. have accepted each other of brach of faith eths  
want of honor it cannot properly be true that men  
have so much indifference about one another

Faith as is commonly professed when a common or national faith is professed by a whole nation & forty  
upon different persons & the degree precisely with which  
it will be professed will be very unequal yet the effects

<sup>of</sup>  
Catholic may have  
a great zeal against Protestant though he be an exceedingly  
bad Catholic & very little attente to  
mighty zeal for the Church of England  
though he neither attends the worship nor knows what doc-  
trines & teachers or where in

subject may oftenwise be highly  
upset in a political one & may prevent many from becoming  
turning traitors to their country

between true & false professors of the same faith & to  
together against the  
common enemy. The religion of a Prince is always viewed  
with admiration & greatly increases the reverence of his  
subjects towards him. The more zealous he appears  
to be with  
all his commands. but of the religion

in him no concure howsto be the friend of their faith

of duty ex.

ullen a great up<sup>t</sup> Persecution is that enmity which is co-  
ulately diffearne in religione connected with fijgion of ill  
design which the one

the other at the former Massacre of Paris the Roman  
Catholick gave out that the Protestant

Catholick on order to except

thus our enim under the difyng of prevention & preuation  
when a Person goes out to Lowland & attendance on the  
national religioue the profess<sup>r</sup> of it

know that he was an in-

fidel but if he outwardly might it or appears to disfide it  
he will neprably be haled though he infidelity were  
not knowne Then the late King of Prussia enhanted  
all Germany & England

of it & attending to quell his power  
gave himself ouer the head of the protestant interest

that he was an infidel as he had abland himself  
to be hon his wifes on the othes hand King Charles the

Pachoff was not known till his death & th. Catholick then  
filled w<sup>r</sup> so doubtful of him though privately reconciled  
to his religion that they were supposed to have hastened  
his death.

indisputably a devout Catholick when the Emp<sup>r</sup> of Russia  
on the last war was about to send a fleet into the mediterranea-

an abundance by his leaving the chuff of this religi  
on & his ships yards afflame & puppies in many parts of  
your for the very

## Lecture

Community of religious constitute a bond of union  
on a ground of confidence which has always been reckoned great  
as unshaken as the greatest monarchs always stand in need of  
it to identify & reconcile them to a people

curse for th. funeral mem-  
bers of a religion to have mutual confidence for each other  
than for a monarch & his subjects as some of the members  
have the relation of

good men an uniformly of the same. Justice authors judge  
the same principles of moral

in their religion or foundation  
believe but this apishness is true only with regard to two dif-  
ferent sets of persons, the one of which is extremely rare to be  
met with & the other

good men who together with their several reli-  
gion doctrines have

of morality or his laws the said class com-  
prehends those of different religions who are mere external pro-  
phets.

whatever this last ended might relate ma-  
rily to a time

them but as they have no bond of union  
or confidence in mankind on account of the want of moral  
principles in all of them

temporary like that of a mob who how-  
ever harmonious they seemed in transacting

soon dissolve & aban-  
don each other to different opinions jebbish or banth-  
ments that a majority of the people of this class should  
be found in any state is absolutely impossible that

the whole may consist the second class who are destitute  
of all principles of belief & mutual attachment is great.  
by to be divided as their union could scarcely be more lasting  
than that of the mob which we have been just now consi-  
dering perhaps these regulations in which last there is break  
they must be concerne that form of government  
conduct that con-

tribute to the union of monarchs They certainly need  
principles of union because liberty as well as vice is common  
by a dividing principle apt to put men into parties ac-  
cording to the various notions which they entertain con-  
cerning its extent use & as the subjects of one  
monarch consist of people of various ranks those that are  
elevated above others may be exequed to possess the esteem  
& confidence of their inferiors

to them in return for the respect  
which they show them

as their Benefactors as well as for  
thus being the servants & representatives of the monarch  
now these having a high sense of honor the monarch must  
merely use them with lenity & command them w<sup>t</sup>.  
such a cautious inference he ought not to urge them

or commands without complaint or murmuring on the contrary as they have so high spirits the infirmities to be endured do not the ordinary subjects are their wafals it ought to be with

feel some concern for them that they be not too much oppressed or exhausted lest they be induced to despair even the possession of absolute & unlimited sovereigns are not considered by men of honor to tend to any dishonorable power but to have certain limits though not definably excepted the monarch therefore though absolute must limit himself in such a manner by government according to established laws that the subjects may

adhering to his Edict where his absolute authority hinders him from establishing by laws Presidents have however wonderful force in quieting the minds of subjects & reconciling them to harsh treatments & when they are ignorant they will often be readily submitted to the iron hand of despotism that is conduced to take place between

Being the same consideration engages the subject to obey the commands of the monarch from

a desire to please them & the sense that they have of  
their own importance

pleasure of one who is so far above  
them we have said that much of monarchy because by  
the divine allotment it has prevailed almost everywhere & in  
all ages the desire of human nature being such in most  
parts of the world that the people contend probably for  
most any other form of government

that of a regalistic doctor adds to the last a much greater qua-  
lity as well as higher degree of virtue an equal than to  
any of the other forms a regalistic that has not virtue enough  
to govern itself must say that every circumstance acting  
as a cause necessarily fall to pieces & become the property  
of some object the leads us to a fourth supposition viz  
that of a people perfectly virtuous or nearly so without a  
king

untrammelled only by force now an every constitution or form  
of government even that which confides most in the virtue  
of the subjects must employ force to repress insur-  
reption of the whole of the people an strongly inclined  
to commit crimes as is implied on the present subject

tion

prompt & complete punishment must be continually placed in their view now altho' in reality there is no such thing in this world as perfect are any man than per-  
petual darkness yet the degree of virtue among a pe-  
ople may be so very small as not to be worth action-  
ing having no proportion to its contrary & then for our  
reasonings concerning a very corrupt

altogether the first step

and may

Depotism but it is our duty to consider  
things as they really are  
what their <sup>natural</sup> & <sup>original</sup> nature & condition fit them  
for without regarding  
<sup>news of things</sup> it is not  
in the least to be doubted that depotism is actually the best  
of form of government for a very corrupt vicious & deba-  
cholic people for the same reason that confinement is necessary  
for madmen criminals & wild animals that they  
may not endanger

for having no virtue nor sense

of honor to keep them within any bounds or to di-  
ver from the propriety of conduct

There it is therefore good for them that they an confound & that  
many vicious & unkind persons of this power which they do  
certainly commit of the restraint ever taken off them

to them because the principle of fear is the only one remain-  
ing in their character from which their governors can have  
any security

This whole conduct therefore must be determined  
by such selfish principles as regard with bad men who are  
despotic of virtue & a sense of honor a wicked man ought  
to be supposed to be always ready & in time to commit  
any crime

with impunity The shameful ingratitude ingui-  
ty & injury that are employed in the crime must in the first  
case be entirely set out of the question because these  
considerations cannot be supposed to have sufficient weight  
to affect a wicked man at least to restrain him from his  
designs

restrain them more in order effectually

to restrain them from crimes etc

must be continually placed in that view the only factor of  
law which can be  
by force or that which suppos. all power right & proper  
by to be in one person whose will accompanied by an execuf  
tive force or conceived to be in case of necessity among a collecte  
d people where every man for or against

having power so much  
the latter now as no fewer than one can probably exert or possess  
power it is best for such a people that all power be actually  
in one & whatever moral character he of course makes no odds  
in th. exerpt power we shall therefore take it for  
granted that the object

of power

to restrain the crimes of others @ own  
however a certain degree of no commutable condition of  
mankind could be more

that of a whole united country left  
entirely to their own will

is capable or that of being kept under  
such strong restraint by means of laws or institutions that they  
may not destroy one another now supposing the object

to him & as his suppose authority or whole-  
ly derived from the people he must wish for their preservation  
at least even if only for his own account

- an enemy to the crimes of every  
man & the inclination of his will must be that none of  
the subjects

party as his enemy -

"Nemo gratus malis est" or a maxim of nature  
as well as of the schools so that we must not suppose that  
even a despot would destroy his subjects

to danger for very small & they altho' they are warned  
will not commonly adventure to injure each other for  
fear of the severe punishment which the despot or  
his deputy will immediately inflict & consequently  
of this fear & will only hurt each other when either  
they happen or the hope of escaping punishment hap-  
pens to be stronger

punishment which will not very  
sometimes prevail in very despotic states when an

The attention of the subjects & despatch them to punishment in  
order as the sole protection of safety & all the subjects of  
a despotism may be supp'd not only to be  
but to have actually committed them  
they may be consider'd as criminals already condemned  
who are only bound till they

new crimes among  
the society of criminals & persons destitute of honor there can  
be no real friendship or confidence & therefore informers  
must always be encouraged in all despotic governments  
Every man is under bind only to mind his own interest

in general being by the supp'tion  
of their want of virtue entirely out of the question  
is supposed to be entirely extint.

of their treachery  
or fidelity as there can be no safe relying on oaths &  
engagements where virtue & honor are supp'd  
common religion

but it contains

advantage altho the defect is not removed or there

the infliction of punishment their frequent fasts & other regular  
afflictions from women can restrain them

obedience will be believed

that many defects as well as many heads of palpable  
harm open in

any notion what they themselves understand  
of their importance & misery or in order to give the people  
by that means a habit of regular & orderly obedience & to keep  
them in a readiness to do every thing that should be enjoined  
them many of the practice of ancient superstition may  
be traced up to the source whatever notion they first

paid to be of importance which tends to form or strengthen  
on a habit of obedience. Let obidance be the first lesson w<sup>c</sup>  
you teach your son say Sir Walter Raleigh

Rules when composed singly are of no importance  
until shortly become somewhat more regular & susceptible

the movement the more  
movt. that are performed in consequence of them in the mil-  
itary excep an not singly of any importance at all but  
the custom which ~~does~~ <sup>exists</sup> auguri of showing them exist.  
by

agility & attention & ready compliance with any  
other orders that may be given them but organs for regularly  
supporting each other in the most advantageous manner both  
on the cap. of attack & defense there are perhaps many places  
between which we are apt to divide

that we are aware of by giving

consideration to the

faults or by impressing them with habits of regularity  
& obedience & preventing them from becoming gross & self-  
willed audaciously immoral. may be made highly  
thair may

be infused by the terror of

severities or cruelties of a diff. sort according to the  
current apprehension wch. in no case whatever affects the  
innocent as he is not supposed to be concerned in any  
such  
matters in examining however it acknowledge

none in a ~~subject~~

because it sets no value on the laws of  
men the dominions of a despot though like a large gri-  
pe committed to the care of vile & merciful men is never  
likely the only fit place to receive & confine those who  
cannot be otherwise restrained from injustice

the minds &

temper of men it is to be expected therefore that a despot  
will be uniformly cruel unjust & unmerciful in revenge  
that he will inflict

from mere passion when the  
minds of justice are already attained & that he will involve  
in the offence with a view to his own safety.

wanting & pernicious  
as the subjects are supposed to be cowardly  
and vicious generally  
to degrade human nature & to wash away the in-  
fluence of all religious & moral principles in order to establish  
a government consisting entirely of force & to soothe the mind  
of the Tyrants

Society it is certainly the ~~prost~~<sup>2</sup> most unhappy for a wicked & corrupt one @ when ever a party becomes thus corrupt it produces a despotism by the law of Murphy or nothing less than the rigor of a despot can be able to keep them in order who have neither virtue nor honor to restrain them from crimes now as criminal as ~~jaffet~~

from mutual injury or the other manner of effecting is the natural method of uniting

with Souties that are become unruly. For a king may keep them in the order of a party & prevent them via great disagreement hating one another @ this kind of

from the extreme of perfidy as they are from that of perfect virtue they may be governed by a monarch but when either the monarch or the people degenerate despotism which is the corruption of monarchy immediately pursues

any monarch pretending to have a right of being a despot when he pleases & being restrained & governed only by his own will we cannot say exactly or positively

that the <sup>rest</sup> of a people fitted for despotism which we  
are making of at present

for people yet ma-  
my nation and have been or follow a state of <sup>rest</sup> & <sup>order</sup> of  
that no other government

So that their small virtues do not change  
their state nor make any alteration

according to what it is proper to ground  
with them accordingly the chance of the

nation of Africa are fitted for a despotic government  
by their moral state & quality — —

## Lecture 192 May the 1st

commonly so much agreed upon by the <sup>rest</sup> form of govern-  
ment as they are by their own want

daily life showing they are daily ma-  
king despotic government more necessary & proper for them

is completely extinguished it is more easily the concern of the citizens  
of a free republic than of any others to consider with attention the  
nature & consequences of despotism because that makes the state  
under which they must fall if by the practice of vice & covetousness  
such they render their own liberty incompatible with public safety  
The object of all laws is to restrain villainy & the arts & chaims of  
Despotism like the fierce displeasure of a workhouse or nursery to  
restrain them from doing farther mischief to one another & to  
the public & if they find thus road to be heavy & their confinement  
hard they have only themselves to thank for it The citizen  
of a free republic when corrupted to a certain degree by vice  
must necessarily fall under Despotism because the want of a sense  
of honor which at first always wreathes in Republike & feel the  
longest under themselves unfit for an aristocracy or a mo-  
narchy any interfering & countermane shun for who can  
find means to make himself.

The purpose may easily become a Despot  
in corrupt Republike

c Oliver of  
Pleasants the two examples which Marshall gives in this kind  
were men who had to struggle with poverty & obliquity & to  
before much time elapsed before they reached the power  
of their country men do not commonly become Despots

except by the practice of great crimes  
violation of the charters of nature &  
of the Bonds of Society & Friendship

Despotism or rather they are the natural  
enormous means for acquiring unlimited authority no good  
man ever formed even in imagination the design of enslaving  
his country even if it were very corrupt he would rather aban-  
don it & fall on the defence of its liberties than ever think of

enlarging wicked man can have no other object than the ty-  
ranny of his country & such have always been ready to at-  
tempt to seize the sovereignty whenever it was in their power  
the Prophets as much as rather the pontiffs. Manks

to a despotism  
standing armies have been thought by many to have a tendency  
at least to monarchy but all depends upon the characters of the  
persons of whom these armies are composed & to whom the im-  
mediate command of them is intrusted as will appear the character

under Oliver Cromwell had conquered Great Britain & Ireland  
when they became destitute of a proper commander & were fidu-  
cied

contrary to all the Prophets that ever were  
formed either before or since that time concerning standing

James the 2<sup>d</sup> almost wholly secured the liberties of England without having any standing Army and that small force the latter of which had soon foisted him & on the other hand their purpose from the revolution have instantly brought up a great standing army without injuring the liberties of the people in the smallest degree by that institution a Despot has now an army for his guard as well as for executing his orders. & as the fact of the most part of Despots to be an enough cause to that Army as the rest of their subjects are to them they must therefore continue at all the violence & injustice that is committed by the soldiery though

as long as that armie are willing to be subject to their orders. The Praetorian bands of Rome made & despatched emperors at their pleasure according as suited their humor. & intent & the person who gave them the most money & when offered kept them under the flaccid despotic government they uniformly chose for their emperor & when those whom they had chosen did not come up to their expectation they destroyed them with as little ceremony as they did the notorious Pertinax.

c sometimes made their

General Emperors were rather affording their Subjects 300 of  
their military Emperors challenging different Bodies of

in the reign of Galenius near the middle of the 3d. Century  
down to the final fall of the Empire the army  
continued to make emperors the 10000 Janissaries of  
the Turkish Empire act as the Pontian Bands even  
planting day making or deposing Sultan or Grand

the Strategists of

Musca enjoyed the same privilege till Peter the first took  
them at his audience. 4000 Janissary Soldiers at Algiers are the  
persons who chose the Despot who holds all Europe & America under  
tribute the ancient Tyrants of Italy & Greece were uniformly  
made supported by an armed force the two though they  
had the best government in the world were soon contented  
with it & therefore are frequently told that God has  
thrust into the hands of the Despots of the neighbouring countries  
by way of punishment for their sin In a despotic govern-  
ment obedience is paid

by terror & men live in the greatest  
harm constraint for fear of mateness thus condition doth  
by complaint & ineffectual attempts to regain their liberty -

Safely it is to be had only on a strict compliance with the will  
of the Despot or by flattery or bringing him & his substitutes  
a Despotic government like a monarchy must be divided  
among many instruments & substitutes & this must have  
this under them in this turn so that the different Branches  
are all defects with regard to their inferiors & have with  
regard to their superiors but the whole weight of the autho-  
rity of the whole chain of substitutes falls heavy on the lowest  
rank of the people who having no inferiors have not even  
an opportunity of revenging upon others those hard treat-  
ment which they themselves meet with from their Tyrant  
their condition therefore is disconsolate & desperate as they  
live under fear they must be habitually melancholy & as  
the saying nothing with gravity

hence that grows that is mention-  
ed by Abbe Maynal as common in the despotic countries of  
Asia "It is better to sit than to walk better to sleep than  
to be awake & to die is best of all" & Despots do not  
govern by fixed & determined laws but merely according  
to his own humor he does not however govern without  
danger on the contrary the heavier he reigns the more

surrounded with honor it is generally at the same time  
enveloped with danger & treachery by the nature of things  
a despot can have no friends & can only expect that his  
followers will adhere to him as long as they think it  
thus interest his people surrounded with guards tho'  
not more frankly on that account "nam quisque

" When were a Legal Inter-

league of Intent

or by those whom he raised by his bounty  
refinement of past injuries or an apprehension of common  
danger sometimes makes leagues that have the same effect  
so that the despot plays a very ticklish game & has always  
his all at stake because if he has any family or property  
they are commonly involved in his destruction by an  
application of his own maxims to himself & the others  
must treat off a dangerous rival or happens to provoke  
a man of real bravery or of his vindictive any one whom  
he does not immediately kill or of his making a thin-  
kness of numbers to pull him he is gone in an instant  
if they themselves are not in the number gentlemen.

bound to be conf

Defect. his

Having been sufficiently suspicious theron  
when he had suffered the most of his brunt of they are  
not contented with his plan may prove fatal to him in respect

lives by perpetually dowering & oppressing others & at  
last commonly die by being deceived or overreached

aliquities

accordingly the life of the Tyrant though generally more torment-  
ing than even that of the victims of his tyranny has been  
greatly curtailed by many who were already unhappy  
fatuations & many men now have died disappointed

may be said to be worse than death hence we ob-  
serve in history that one defect no sooner falls than another  
immediately takes his place & commonly it is the person  
who plays the Defect that finds him becoming a Tyrant  
himself another may soon do the like for him that he  
has done to his end user or helper of the formerward by  
the unbridled license of the Defect & the perfidious manner in which  
he provides his replacement in respect of the subjects are

to help the unfortunate @  
they should offend the Tyrant they are often obliged to look cheerful  
while sorrow plays upon their hearts ~~Spirituall & mortall~~

"Spirituall & mortall

Influence of life & property they are afraid of thinking upon  
of feeling.

it is evident that it was on account of the miseries which  
they suffered under their despotic government that the  
ancient Phoenicians used to mourn bitterly on occasion of the  
birth of their children @ to carry them to their graves with  
dances

elsewhere an affected in the very same manner  
with the births & deaths of their children @ for the very  
same reason yet some have affirmed that despotic  
government is in fact the best government

<sup>the greatest</sup>  
to exagerate the baseness of human nature they ground

1<sup>st</sup> That all men would commit crimes if they durst.

2<sup>nd</sup> That crime cannot be punished without despotism

3<sup>rd</sup> That a person to whom despotism

of others @ not to committ crimes of  
his own —

4thly That the sole object of government is to controul the  
actions but masters

Now all these suppositions are  
contrary to reason & experience the fact is that the manners  
of men are various & that the same penal laws & form of  
justice by which a people may be suffic. fully governed in  
a virtuous age will not be sufficient to restrain them in a  
corrupt age in the first place therefore it is palpable that  
all mankind commit crimes both with respect to men  
& also to crimes & th. fulfilling a general apportion instead  
of a particular is a very gross error the truth only is that  
from men in from certain circumstances would commit  
some crimes & so no less true that many others in the  
very same circumstances would not have a particular affection  
applying to a few & extended by the manner of liberty & her  
mankind to all men without exception those who advance  
such doctrines as th. do very well to conceal their names  
because the very belief of them is openly scandalous the  
believe for no man can possibly be honest himself who  
believes dishonesty to be a general & universal attribute  
of human nature the world had not a fido very many  
instances of men who would not commit crimes even under the

very strongest temptation & many who are not restrain-  
ed

from some vice by principles of an artificial nature. The 2<sup>d</sup>.  
position is not less fallacious. It is true that when there are  
no fixed laws and always the case under discussion or  
in time of public distress or civil war when law cannot  
be executed discretionary powers in judges & rulers may be  
lawful & necessary but to make at a general rule to  
allow them such powers would be very dangerous unfor-  
mitable law ought to be firmly established & if a judge has  
a discretionary power of varying from the letter

of Legislation

General laws may be so made as to apply to all par-  
ticular cases & when the application of

equity will always expand it in favour  
the person accused the 3<sup>d</sup>. position is as contrary to reason  
as the preceding one & likewise directly contrary to  
the

They dare discretionary powers ought not

to be  
because by their first implication they would certainly  
employ them for the commission of crimes contravent

With these professions no less flattery than they contradict each other In despotic states the greatest wrongs that the people suffer are generally

unwise obedience under a despotic government & the people expect  
in vain his own happiness

one in the service of his master so that commonly he will not be content with merely fulfilling the will of his tyrant but will take the same opportunity of fulfilling his own as he has it in his power in this manner to gratify his own passion & to advance his own interest while all theodium & resentment overthrown by his conduct falls entirely on his master hence from popular opinion for the sake of their own regulation have taken care that all the acts of grace & lenity should be done by themselves personally but that acts of severity & punishment should proceed in appearance at least from their ministers but the fifth letter of Despotism

in Politics or the effects beneath they

a unpopular action, or proceeding from the will of the Prince  
simply which they pretend that they could not hinder  
the 4th president sufficient government to lament any  
kind of punishment to pour the vengeance of the law  
upon all bandygraffers as soon as they can be caught

violent but a rational governor will perswade that  
part of his office with reluctance & will endeavor  
to avoid it as much as possible other end of rational  
government is to prevent many offenses by the govern-  
ment of fine & a merciful government much  
rather wish that no crimes were committed than  
that all criminals were immediately apprehended  
& exacted no greater man punishment says Cato  
because offenses are committed but in order that offend-  
er may not be committed the law indeed wrongs  
on the criminal

in this he leaves the enforcement to the  
law & binds all his views to purity & the welfare

indefinite to order the punishment of Crimes in  
such a manner so to afford the most effectual warn-  
ing & instruction to mankind or general at the  
smallest. Up to society when pardon can from the  
order of justice be confirmation

the only reason why a good  
magistrate executes penal laws is such compassion  
for the Society who otherwise would beat the many of  
very criminal when the criminal passions of men

necessary to encase the measure of punishment  
but altho' a defect will not be devoid to punish  
crimes from a love to justice or from compassion to the  
public yet he may be actuated by his safety & in  
order to promote his own interest.

If a person is continued to ward off dangers from themself & the  
encase of the measure or honor of punishment is generally  
experiential thus from a person

# Lecture 193<sup>a</sup>. May the 10th 1792.

When crimes multiply & when criminals are enabled to employ the form of law as the shelter of iniquity it may be necessary to alter such defective forms but it never can be necessary to decrease the amount of all the defences made & justified for the same reason a justice which protects innocence may well condemn the quality the form of trial confounds a strong distinction between defective & rational government under the first of these men are often punished in private infraction or perjury without any trial at all under the latter can always labour to distinguish the innocent from the guilty & to ascertain the composition of the crime by strict evidence strict examinations trials by torture & private executions break a nation's spirit & dissects government through the regions of Holland from a blind imitation of obsolete ages have adopted the latter into the criminal law though it is much more preferable to the Roman inquisition or to the government of Turkey than ever it can be excusable to punish any criminal without a formal & fair trial in which he may have every opportunity that he can offer to prove his innocence of the charge & other rules none departed from men can have no faintly remaining whether their laws or their other rights of the law

require more wisdom than is necessary for convicting the guilty it may be allowed but in no case whatever ought the forms of law to be forsaken as to endanger the innocent and in times of occasional tumult popular frenzy or rebellion it may be necessary to suspend

according to the laws

such an enemy who by

safely & who then for cannot have  
the benefit of laws till the publick has recovered its purity the  
regular & formal administration of justice namely justice speedily  
expeditiously & properly but when this is taken away justice must  
be done in a manner suited to the times & the opportunities that  
one has of action for it will require the same solemnity in  
times of confusion & disorder

is highly absurd. "Silent inter-

ne si expletan pubent  
expletan uelit arcta in justitia pena lenienda sit quam justa  
repellenda" Even war has no laws & this is suited to an  
unjust state of things on which force is to be resisted by force  
but as it would not be lawful to proceed in the same manner  
in acts of government in time of peace as in justiceth & necessary  
in time of war so it would be absurd & hazardous in

turn of was a occasion to award the same forms & up the  
like precautions at a time of peace Domestick disorders of  
the kind like foreign wars render discretionary powers ex-  
ceptionally necessary but this necessity is only temporary  
but disord'rer may be said to be a confined state of war  
at a time at ~~licences~~ licences

cannot when they cannot other-  
wise provide sufficiently for the safety of the publick. The cover-  
age of disorder & the consequence that the Defend has often  
ong the object of the hatred of his subjects

contenually surround him for the most  
part even in a very corrupted state it was much the intent of the  
magistrate or of the judge to keep the peace he threatens  
many says Publius Ceyrus who don injury to me as the violence  
that is used to me may likewise be used against another so  
that no man who has violence used can remain undifferent  
about or even have any assurance that he himself may  
not be the next to suffer against whom it may be directed  
"just intitatis quaque curia conditione super communis"  
But under any form of government the peace of society is  
commonly enforced not so much by the fear  
government

principles of self government in mankind who will readily assist  
each other against every one whereby doing injury to one declares  
himself an enemy to all absolute despotism is the extreme of  
total corruption & vice; & accord with approach to it is an  
upstart & a national misfortune. Most true on the same  
proposition as the characters of men fall short of perfect even their  
government may likewise be short of absolute despotism  
But many nations are so highly vicious that their government  
nearly approaches so near to absolute despotism as  
scarcely to be distinguished from it every form of govern-  
ment is in a continual flux & has a constant tendency to  
change to form other they regardless have a natural tendency  
to despotism & anarchy monarchies to despotism  
& aristocracies to oligarchies Most despotism has no  
tendency to change at it supports the

fixed & unvariable sometimes how-  
ever it may happen either from inadvertent conduct in  
the despot or by any accident that may affect the character  
of the people that even despotism may be exchanged  
for another form but the situation of men & the cause

of change in government are so various, that it is impossible to assign the order in which the different simple forms may probably succeed one another or general at all. A despotic monarchy has been the earliest form of government then succeeded by tyranny or despotism which by driving men to despair led them to set up the republican form or being at the greatest distance from the despotic form too an anarchy has followed upon a despotism sometimes it has led to at least the regency of despotism have been commonly founded by limit.

a monarch in great states

small extent a despotic again have sometimes degenerated into anarchy but more frequently to despotism. The Novgorodts

prison in his army is so far from being a contradiction to what we have said concerning despotism that it is really a confirmation of it. They undertake nothing from one another constraint which is equal to the power of a Despot were kept against them well within the bounds of their duty having no previous engagements to each other & each minding only his own

and if they would endeavor to promote it by all  
means.

of the community like the particles  
of an homogeneous fluid they

and they had  
been possessed of publick spirit or action is only equal to reaction  
the effort of every one of them to overturn another were  
uniformly defeat

on his turn than  
a party of Thieves might be as free from injury by one-  
self as a party of honest men would be by absence of an  
only suppose the numbers to be nearly equal on all  
hands & that the attempts of every one to injure another  
would meet with equal resistance on all sides but as  
man kind consist mostly of mixed characters mixed go-  
vernments must be most suitable to them & consequently  
the most durable the simple form indeed figures left upon  
paper but the mixed ones are preferable in real life  
the first constitute the best romance but the latter compose  
the better history although different tends to produce  
by its rage that very extremity of vice of which it is supposed  
to be adapted as a remedy for the object of differtiat

governmant is not to favour the subjects or the propagation  
of their rights but to make them a property of the Despot  
not the ~~people~~ ~~subject~~ subjects etc

of Justice independance & courage now as despotism  
has lost its object the welfare or rights of men is all  
as soon as commonly employed not for the protection of  
the subjects but for the preservation of the despot & the  
subject an oxected mainly on the cattle of the Despot  
in order to be killed for his support a amissment otherwise  
he shoule a Despot in that infimes his slaves in the  
very same maner as for the very same reason as a despot  
man infimes th deer in his Park or the Rabbit in  
his Warren

one has a mind the impure caligula  
was a fool

that all the Roman people  
had but one wish that he might destroy them all  
at once but he did not consider that that wish of the  
Roman people would have comprehended his own

order that can be required or enforced by a Despot though  
worse than of reason wisdom but especially humanity & gene-  
rosity must be excommunicated from the mind of the slave of dif-  
potism or in order to render him an unfeeling instrument  
of power executing the command of his sovereign for of-  
ten as he feels any failing affable attachment to worth  
or desire of glory he must immediately become an en-  
emy the despot & consequently the despot to him for a  
Despot cannot believe that a good man can be an uncon-  
cerned spectator of the

• thus for all Despots being expressly ordered whether  
all good men to be uniformly thus made immediately ap-  
on the knowledge of their charakts & without any informa-  
tion of their particular actions to think for myself to  
abhor constraint & violence & to love liberty both ho-  
nor & justice on so many human crimes in the eye  
of a Despot

from continuing to be his slaves  
a Despot makes himself less merciful & generous if he  
only suffer his slaves to live though in continual fear

poorly informed & constantly having an intention  
supporting her own tyranny & countering every measure  
useful that seems ousting to support

only can most be a good man but must  
necessarily be the enemy of every good man in his dominions ~  
We have never confidnd the great question with respect  
to the best form of government a discernor that all  
the simple forms have only a slender relation good or  
accordingly as they are suited more or less to the different  
states of mankind among nations & that men rising to  
a government are wholly from themselves & owing  
to their own behaviour that whenever men have virtue to  
a certain degree they may of course have liberty likewise  
& when they become vicious to a certain degree they necessarily  
lose that liberty & fall under Despotism Liberty  
must stand & fall together with virtue & cannot  
stand without it & consequently all the measures of  
virtue ought to be confidnd as the greatest tories

of trust & office

circumstances

require a variety of institutions for different confederations or forms of government require or imply a different distribution of trusts & offices In free governments of every denomination

as executed here the offices or functions of state are naturally divided into legislation, execution & creation. Legislation under every constitution of government is the immediate act of the sovereign power & cannot be delegated without infringing his sovereignty, in some governments indeed the jealousy of dividing the sovereignty is carried to a much greater height than in others. In Turkey the Advisor & the Commentators on it are considered not only as the standards of religion but the laws of the Empire even in England the King is acknowledged as the head of the national church.

• Evidently that so jealous are they in that country of dividing the sovereignty. In all the governments indeed ancient or modern of which we have any account whether the union of the sovereignty

public Religion or Standard of Right & wrong to  
which all Pastors Governor as well as Governor en-  
gaged to conform their conduct & this has been uniformly  
acknowledged a public concern & instead of being left for  
the support by a partial tax imposed via few by their  
own consent has been uniformly supported at the pub-  
lic charge by means of a particular provision & order  
of men having its legislative judiciary & executive  
parts different from that of the State & thus coordinate  
powers in some nations have been considered only as con-  
current & concurrent & necessary part of the Constitution.  
In others again they have been the object of jealousy

who professed to be in dread of what they affected  
to call "inspiration in insipidis" But we have no  
instance what ever of any government among the  
antient, or modern where the subjects had their  
standard of Right or wrong to either had adop-  
ted different standard for that purpose the effect  
of the management must be disengaged only by

time

by the Elective Body but it is not practical  
to Democracy that the whole collective Body should either  
deliberate or decide accordingly among the Romans be-  
cause they had no notion of representation the whole  
citizens at large in their public assemblies gave their  
assent or dissent to laws that had been already deli-  
berated in their Society

Citizens were smaller the whole body  
deliberated as well as decided that that the deliberation &  
decision should be both performed by representation is a  
great improvement of modern time because they  
may deliberate without those inconveniences that might  
always attend very large assemblies

for having sufficiently deliber-  
ated which a very great assembly cannot do because  
they cannot be conveniently kept together for a term  
that will be sufficient for that purpose but the collec-  
tive Body of the citizens instead of deliberating allge-  
ther in person for which they are totally unfit

# Legislation

what proportion of these present must concur in a public resolution voted by ballot.

but quite heterogeneous to a republican constitution & contrary to that severely to define freedom

thus opinion all that

can be said in its favor is that it gives every man an opportunity of voting in secret which in free states ought neither to be despised nor practised but too much left to the discretion of those who collect the votes or are employed to number them & it is often to many modes of deceit for which pecuniary punishment temptation

that

a great many even voters have been given than their own voters & others have boasted after the election that they have given 5, 3 or 2 votes instead of one to a particular candidate supposing thereby merely concealing their real principles have

zeal & have afterwards fit those who chose them by  
this means a fair & certain account to the publick info  
cannot be expected to be attained by ballot

incapable of a honest mode of corruption & unworthy of the dignity  
of a free people. It would be without a very mischievous  
state if one lived under such a government where  
they durst not express their real opinions & there would  
be no force the politicians to lay out for the want of liberty  
but the method of fixing by ballot actually subjects  
every man to that very condition which he would think

widest tendency to destroy all truth & confidence  
among men who in this manner can never know the real  
disposition of their neighbors who may on the manner  
be privately favoring one party even while they pretend  
to be faithfully canvassing for another. To the great in-  
convenience of all & the corruption of manners so none  
knows at all in what manner any of these managers

voted or have any  
swayed by their negotiations In this manner  
whereof a man may vote for a person whom he is  
ashamed to name but it is much more suitable to  
liberty thought not to know every that every man  
should give his vote in the most publick manner  
but those cannot be properly called free men who  
manage their orders & deliberations in a manner so  
opposite to liberty the English mode of

men worthy  
of free people than conducting the matter as if the  
electors were remonstrating a thief instead of giving  
their opinion those electors who are chosen by  
ballot can never have any voice than the few

who were their real friends can give them no token to  
distinguish them selves from their enemies on that account  
were to divide on purpose

or most open & conve-  
nient to fraud & knavery he could not fix on a men-

official method for their happiness than that of voting  
by Ballot

## Lecture 194

The promulgation of laws is still a very imperfect under all forms of government that we know of

To say any of them in any government is under the necessity of supposing that the law is actually known to all the citizens though they are sensible that this is not really the

as far as possible but the great multiplicity of the laws by which states choose to be governed & the voluminous & confused productions of their legislatures every year are rendering them more & more impracticable; but when we men begin to think liberally & rationally on the subject there will be soon agreement at least of the states that can be communicated to the people because no man can be said to be truly free who does not know what laws he is subject to & yet this is actually the case with all the inhabitants of our states but people are easily cheated with regard to liberty or any other thing what power & may be easily induced to put up with less as they are apt to inflict far more than is actually -

In late confederations the members of Congress were not obliged to attend & had it left in their power to be as tractable or not to their confederations as they had a mind & even in the new confederation this singularity has not been attended to & the members are still left at liberty to attend to their duty or not as they please thus the most important question to the publick may be totally

members going out to follow his diversion & yet the law has nothing to say to him for the scandalous neglect of his duty the constitution of the state likewise do not bind the members of assembly to attendance except when they please & at the same time it requires  $\frac{2}{3}$  of the number of members as a quorum for the passing of any law so that one ill disposed person by adding his influence to the  $\frac{1}{3}$  part may easily overturn all the proceedings of the other  $\frac{2}{3}$  of the assembly by leaving the house without a quorum when any law is to be passed & although such ridiculous incidents as these have not often taken place yet they have happened more than once & citizens have

but by the most obvious maxims of common sense it ought  
not to be left on the power of any person or any party  
to behave in this manner because by going out of the  
house without leave a minority may at any time go  
over a majority not by convincing them or bringing  
them over to their opinion but merely by departing  
thereon duly etc as much for the intent of the public  
hereof during their session as that they should be accountable  
to their constituents at their next election although neither  
of these are actually invested with such power as many  
who contend strongly for the latter but seem to pay  
no regard to the former at the consecration of the Roman  
Senate each member buried a few grains of incense on the  
altar of victory that stood in the midst of the senate house  
immediately upon his coming on his way of devotion &  
on form

been uniformly begun by prayers though this form is  
often very little attended to each house of the English  
Parliament has a chaplain for that purpose though the  
usage is that scarcely any of the members except the

Speakers attend that Ceremony

The attendance of their members as  
when there is a call of the House the speakers send their  
sergeants at arms to every part of the Kingdom

Each of these absent members is obliged to pay £100<sup>per</sup> sterling  
by the day to the sergeant that brings him to his duty & it  
is perfectly obvious

nor authority without fixed regulations  
binding the members to attend under a penalty & never  
to leave the house without leave of his or her by the  
Speaker to inform the authority of the house in England  
the building in which the Parliament meets is pro-  
vided with a number of retiring rooms for the conveni-  
ence of members that they may not be obliged to leave  
the house in time of debate but as these best institu-  
tions are liable to corruption these retiring rooms  
are commonly used for playing at cards in the time of  
the debates which does not much mind the masters as  
many members follow their gaming in these private  
rooms during the whole time that the question is  
debated by the rest & only go onto the house to give

appears that the most safe resolution of an assembly  
of honest & patriotic for making & enacting a  
political constitution may be on a just measure  
left by the neglect of a few unwise form. suggest-  
ing the execution of them when a magistrate is  
chosen he ought to be obliged under a heavy penalty  
to attend to his duty & shew his election is entirely  
indiscreet & when the masters are actually on the  
house unless the speakers have authority to pre-  
vent them from going out no business whatever can  
be done & any business however important may  
on this way be hindered or left when laws are  
enacted by a political constitution to be made  
by a certain assembly every thing that is mispa-  
ny or disorderly shall be made & for their being  
the said of that assembly ought to be first passed  
to be appointed at the same time under aif-  
fice of the Collector Body of those who govern  
whether by charter or holding titles must except

The powers of Legislation notwithstanding standing they  
may be under the same form of limitation that  
have been mentioned as necessary to a Body of  
Representatives. An Assembly is subject to parties  
and if this Legislature is an elected one these  
parties by coming into numberous several different  
times may bring the whole into constant confron-  
tation & on a great majority dictating of any fixed  
laws by each of them regulating & pulling up what  
was done by their predecessors. Suppose that the Legis-  
lature of an Elective Aristocracy

that unless cer-

cain leading conditions forms & regulations were esta-  
blished no scheme of legislation whatever could take  
place among them because whatever is done in the  
first two years may be abolished in the 2<sup>d</sup>. session  
in the 3<sup>d</sup> repealed again in the 4<sup>th</sup> & so on without end may  
the inconveniences may either attend the assemblies of a  
few people if they are not a confederacy

Aristocracy something very

Senate in the decline of the Empire it appears from  
the history of that Period that when any measure was  
rejected at one time it was sometimes recurred

onto a law but it  
was not in the power of every person to take this course  
it seems at first to have been the established custom  
that any measure that had been once thrown up by  
a majority of the Senate

at least for a very long  
time but the emperors at last gave authority to  
certain Senators to reverse motions that had been  
already

or were 5 times by the Senate & a privilige  
of this kind was called "per funda tertia parte aut  
quinta relationis"

To particular persons must be of  
very dangerous consequence & if extended to the repeal  
of laws already enacted would unhinge government  
altogether the method of proceeding in the English Legis-  
lature is very exemplary & commendable on this head

' House of Parliament gives notice of his intentions &  
of the motion that he intends to make for a con-  
siderable time before so that nothing can be considered  
in due & proper

order & manner  
It is evident that in the Roman Senate the right of  
removing the same motion at or 3 different times did not  
extend to the repeal of laws already made but solely to  
new ones the repealing of laws already made ought  
to be a matter of great solemnity & deliberation & when  
a private party has acquired any interest by the deed  
of one legislator it ought not to be in the power of  
any other meeting of the same legislature at any other  
time to reverse the said deed of theirs by which a private  
party had acquired a right thereupon this could be  
no justly & faith in government but a contract made  
in the name of the people by one meeting of the legislature  
might be reversed by another meeting so that the assem-  
bly of the states would get so bad a name among the  
Citizens that no person shall forever would give them  
or trust them for the smallest matter now to de-

Adams thinks that any single assembly in a State would be liable to all the unequal exorbitances & trans-  
gessions against the rights of private parties that an

other reflects in which a single & unbalanced assem-  
bly of legislators may be compared to an elective Asy-  
lum. But they are so obvious that they need not be  
mentioned under an absolute monarchy the power of  
legislation is exercised by the monarch but he is suppo-  
sed to stand on no

an unconstitutional might take place  
the French monarchy had till very lately Parliament  
consisting of lawyers & judges chosen by the King & com-  
monly too for a sum of money

of the monarch &  
the French Parliament though they had only a  
right of remonstrance against the intimation of the King  
pleasur & actually

like they were in some degree independ-  
ent & have often exhibited in their remonstrances  
such sentiments of liberty & Paleontology as would have

then offended their Sovereign & the Parliaments were  
frequently banished for their Manly behaviour but  
Lewin the 13<sup>th</sup> entirely destroyed these parliaments &  
annulled

sufficient to have restored them  
as they were but the abolition of the Parliament  
threaten to have an effect quite contrary to the de-  
sign of the monarch so that the French nation  
have become more zealous for liberty than ever &  
will probably soon be a free nation

is likewise  
the supreme court of Judication & judges on the last  
refusal both in civil

of Government on the  
part of the King with the same anxiety that goes  
to Government endeavor to keep them separate now if any  
single person or assembly required all these branches or  
the Election of them under any eligible form what-  
ever that government would be really a monarchy  
The legislative power of a King may be qualified by  
the form of registration or promulgation that are

under the French Government the Registration of an Edict by the Parliament was necessary to give it the form of law till their assemblies were abolished & when they refused their compact was usual for the King to consider what he call

to erafe the refusal of the Parliament & to sign the Edict which the French Parliament casted but  
was thought to be so very summary that the want of it could only be supplied by the plen

of any sort the power of Legislation must be exercised by the concurrence of all the collateral Powers for if a law could be enacted without the concurrence of any single power that power may be pre-  
ferred

two or more Branches it is  
an axiom that they must concur before any law can be passed jealousy a fear of tyranny has dictated to different states different modes of dividing their legislative power & fearing the concurrence of several

Branches but it seems to be a natural idea among  
the people

The whole business of Legislation

that two or three Branches afford so many more  
chances at least of upright & honorable procedure  
the third part of th. Legislation Government can  
never have as much influence in turning men heads  
or exciting their vanity as the possession of the whole  
power of the Legislation which we see has frequently  
that effect so that a legislator consisting of 3-  
branches E.g. has thereby 3 chances of proceeding wisely  
from

wis. to meet to-  
gether & to decide question of Legislation by the major-  
ity of the aggregated Body any how defined the govern-  
ment would cease to be a mixed one but when a con-  
stitution has divided the Legislative power onto 3  
Branches those must have a mutual negative on  
each other

therefore in a constitution of  
this kind ought to be a fatal to any proposed

law or the want of assent

with a variety of

forms relative to the proposing & enacting the laws.  
though it sometimes happens that these forms speak  
one language the laws quite another. Thus E.G.  
all the Bills that are brought into either house of  
Parliament in England are in the form a language

just o just things &

The Royal assent that they have the force  
of law & assume the language of authority "Be it therefore  
enacted by the authority aforesaid." The majority of  
money Bills

each branch has a negative  
on the others all of them must be passed & they are  
only laid under a majority of concurring in legislative measure.

the matter of every Bill was first approved  
by the Kings Council then the houses were permitted to  
abate it a petition that it might be enacted at the  
second Royal assent which however is bound to the

being in fact granted already —

## Lecture 195

Sovereigns of any denomination who have suffered  
Court of justice to follow after a rule of decision

as a law  
the most essential & fundamental the greatest part of the laws  
of a country are derived solely from ancient custom

The norma  
that is usually said to antiquity generally gives old customs  
much more authority than the most upright decision of living  
judges besides one thinks it no hardship to be under the same  
laws with his ancestors who's memory however customs often  
blasted by time are supposed to be allowed to have the high-  
est authority when a custom is so obscure that we know not  
the original of it it is only so much the more venerable on that  
account jurisdiction or the office of adventus to enquire if the  
law & to apply it to particular cases this office under every  
free constitution ought to be different from that of the legisla-  
tion for as limited monarchies have often given to all political ones  
by an usurp of confidence free governments are generally very  
 jealous of trifling too much to judges for this reason it

into parcels & to entrust each parcel to a different Body that  
none may have too much in their power that there may be  
the less probability of their conspiring together against U. S. the other  
the mutual jealousy of the different branches of the Legislation  
when they do not rise to such a intent fit the course of buying

Body of men who are jealous of each other will be watchful over  
on each others conduct & none of them will suffer the other to trans-  
gress the fundamental laws of the confederation without notice &  
concern according to the ideas of your government the Legislature  
judicative power should be always separate as being thought  
too much to be intrusted with one branch or Body of men the  
sovereign being accustomed to command can not be supposed ready  
to submit merely to interpose or to follow a rule Arbitrary  
government however the judge can the ministers of the so-  
vereign & explain & interpret the sense of his Edict whether these  
laws from one another a judge by his office is supposed to  
be impartial so that though his sentence be wronged on  
an appeal no unfair however fall when tried as the law  
ironboundly suppose that her fault has grounded merely from  
an error of judgment but Eastern Nation

judication than an common  
in Europe Other we are informed by Xenophon that when

Cyur pronounced a wrong judgment in a cause

by his master which was entirely accord-  
ing to their manner & their notion of the duty of judges for  
we read elsewhere that when a person judge was convicted of  
Bribing or want of integrity in judgment the King ordred  
his master to be played off him & dypid for a couer to the  
bench at which the said person was to sit

and so he  
was continually before him he might annoyly attend to  
justice if he expected to sleep in a whole shew or ordred to  
have any shew at all left him In the same manner in  
china

The first sentence of the preface conti-  
gues against the judge who pronounced it the friend against  
the law yes who argued in support of it & the D against the  
party who gave the bribe or who profited by the unright  
sentence by the law of England all the sentences of judges  
being supported by the verdict of juries are never held to  
ground from malice or meanness of intention particular  
as if an modifid by circumstances that create inju-  
ries or exute opinion of the sovereign were left to  
judge he having no superior might be actuated by

law w<sup>t</sup>. be apt under the influence of  
dispense with it but the contents entertained very  
different ideas from us concerning the duty of  
in person  
e appeals from inferior courts were heard & decided by the Em-  
peror

had the honor of hearing th. Apostle Paul e was of doing  
him justice the first time he stood in his condemnation  
to death by the people for the murder of his fellow - appeal  
ed to King Tullus.

Roman Emperors were wont to hear causes in  
the courts of the temple of Hercules & when Philippi of Na-  
aden one told a poor woman that he had not leisure to  
hear her cause she replied how then have you leisure  
to be King confounding it as the chief duty of monarchs  
to hear

David in the Holy Scripture & of Cyrus  
in Xenophon sheweth that the business of government  
was confideth as an undispellable duty of

our own times by the laws  
of Denmark the Thing hears causes twice a week -  
The King of G. Britain never goeth forth with regard

to cause a claim though he do not properly  
perform any act of judgment but as the custom of  
the Court is that the King without reading

of them to read or that Lord thinks proper to give him  
or his queen any attention to them it is by command-  
ing the master to his judge the wisdom of Solomon was  
easily displayed in the personal exercise of Judication  
but in modern times it is thought best that the of-  
fice of judgment shant be separated

for that purpose <sup>Prisons</sup> may be serviceable to justice by  
making good laws by shortening the time of actions or

of litigation the present Empress of Russia & the late King  
of Prussia have been of the most signal service to their  
subjects by modifying & abridging their respective codes of  
laws it is commonly supposed however that most all  
arbitrary monarchs connive at the length & difficulty &  
expense of law suits in order that their subjects being con-  
stantly employed in contending with one another they  
never have any leisure or opportunity to unite in  
any design against the government the family

in every country are supposed to be specially numerous though all pro  
ofsets of

influence rather than to cause the subjects that  
the late King of Prussia reformed the Code of his Kingdom  
In France first an always of an uncommon length hard to  
be brought to a hearing ought to be removed from one coast to  
another The Spaniards found no better method for keeping  
the people of Naples in subjection than by employing them  
in fact.

attention of the people from the proceedings of government  
for while Naples was governed by a viceroy it was subject to  
many tribulations so that a book was published more than  
100 years ago intitled The History of the 23<sup>rd</sup> Rebellion of  
his majesty's most faithful city of Naples

Habity em-  
my of them in low circumstances they used to be apt to  
quarrel with every order of government but the Spaniards  
by encouraging the study of the law made it so fashion-  
able among them

would if he were en-  
gaged in his just already yet for the sake of the fashion  
in order to be like other people was obliged to buy a field or two  
from some of his neighbours they have had by now  
however of that excedent from Naples had a King of

judicature being apt to be swayed by faction & the injur-  
ies of the multitude the sounding against committal by  
Bill of a tender

tho' making laws with a intent  
out so that it is quite comfortable to the queen of a  
free nation though the famous magna Charta of England  
widely admits of it in that clause wherein it is said that  
no man shall be deſeized of his

Persons or by the Law of the Land  
which alludes to bills of attaintment tho' clause of the  
Great Charter has been ignorantly copied into force of the

we don't did not do

have fitton have lie  
in earnest in the cap of the Earl of  
lately in a sham manner against

accusers but even private judges have been suspected of being  
influenced by faction thus King Charles the first convicted  
on the most of his judges to approve of his levying ship-  
money without act of Parliament the judges on France  
by the fashion of that Country

company though they never  
convene with a pretension when private Gentlemen are

introduced to the King of France the first question that  
he puts to them  
in which if they satisfy him he deigns to  
affirm them

to the first, that they have never been  
in <sup>incorrigible</sup> towns his bark & taken  
no more notice of them than at least was the method  
of the late King now better supposed that he had been  
unemployed

given it in favor of the person who had  
been in his service rather than the other the judges in  
England

are generally supposed to be very  
complaisant to the crown but a superior order of men  
are at any rate more unexceptionable than a popular  
assembly. Persons of employ'd in judicature would pro-  
bably be prevail'd by their passion or by solicitation thus

complaint of the conduct of the Duke of  
Middleton his delegates in Scot-  
land he told Bishop Menet that the people had more  
worries from damed-things as he called

service  
It seems that he did not consider injustice or the oppression  
of his subjects  
which would have rendered him an exceed-

ing he judge of any such Laws had been brought before him two questions may be yet relating to judicia  
here

first composed with regard to the first of these  
wherever laws are greatly multiplied the knowledge  
of law becomes a profusion & when this is the case it  
is exceedingly inconvenient indeed absurd that the judges  
should be ignorant of law as that must make the pleadings  
in a great manner an unknown language to them

then determines matters of law as well  
as of fact it will be wished that the knowledge of  
the law were more easily attainable & that knowledge  
in general were more widely diffused because of those  
observing that many causes are decided directly contrary  
to law through the ignorance or negligence of justices  
& juries men least no judgment can be safely given at least  
no cause

those who are learned in the law the office for  
which council is necessary is that of pointing out the  
law & the whole law or any particular part but  
when the law conflicts mostly of evidents as in  
England numbers of these may be brought on both

the matter then would be  
no better than a lottery because the Councillor who has  
actually advised the present Plaintiff on his side might  
more diligent for 44 folio volumes of what the sta-  
tutes of England

on his head or to be ready  
to quote at all occasions but person who are not  
lawyers by profession may in the manner of the an-  
cient Roman judges & the juries of England  
to them  
it might be difficult however in many cases

of law when as much pains had been taken on the  
one side to render it obscure to them as could be taken on  
the other in order to make it place upright before a can-  
dor of the greatest force on their occasions

for the  
most part but the Roman law had not attained  
any great extent in the time of Caesar as he boasts  
that by a short consultation of a Lawyer he could make  
himself perfectly master of any point of law  
evidence of the pleader then upon his shall or

The law though eloquent was often of little avail even to  
its propounders

for justice a law appointed by the parties to have the council for  
the contending parties within the bounds of their duty also prevent the mis-  
leading of the jury when the administration of justice is committed entirely  
to official judges it may be attended with the following inconveniences  
the official judge being a continual magistrate may entertain preju-  
dices

the peculiar officer  
over a constable of the official judge may be known & they who enjoy his  
favor may be tempted to intercept or hope of impunity or to com-  
mune vexation suits in hopes of success & those who apprehend his  
disposition may not feel themselves secure even in the profession of cer-  
tainty innocence these objections have their greatest weight when  
applied to single judges but are greatly lessened though not ex-  
tinguished by large Courts of Judicature a single judge indeed may  
be insolent overbearing indolent or profligate he may confound  
the most intelligent lawyers by insulting behaviour & unper-  
tent exertion he may prefer his own ease & luxury  
to the painful duties of his office & when his prejudices are  
well known others may know how to govern them by means  
of them but when there are more on the same Court the differ-  
ence of their passion & attachment may balance each other

may be useful either on their conduct but the position even of a single judge does not necessarily confer an advantage in favor of one party but may sometimes be made use of by either at pleasure beside. The sense of honor the love of fame & the pride of the up of the public may be a great counterpoise to the prejudices of a judge when he reflects that both parties are all intent to all his actions & ready to draw the most favorable inferences for their friend or themselves from all his words & gestures this may likewise prove an antidote to many apprehensions it is true that invidious & suspicious men may make the law & the office of execution the instruments of their greatest vengeance.

"Carmina aspera quibus offensiva venenum -  
"Grande malum deriles figura sc. judice certet."

On the other hand some men have indulged strong prejudices against all men of the law or general

supposed to have against the  
rights of the subjects & their prejudices against the faculty of Law  
often produce many unfair & unjust judgments with respect  
to their conduct. The same common place prejudice, an entertain-  
ment by some people against the faculty of Physic as we may easily  
see in Montaigne. M. Matheron  
the author of Hudibras being always very poor & often in  
debt supposed no small prejudice against the faculty of the

law as we see in his works and almost all our modern  
impost under tattle like monast of their penes whenever  
at them is indeed impossible to say but the ban mention of  
the clergy fits them as raving for the most part the cause  
of this opinion cannot properly be that these writers are not  
paid for their opinions or will or the Clergy on the contrary  
very many of them indeed most of them have received  
high gratuities from the public without being in the least  
and of this raving against the Clergy Mr Hobbes had  
a liberal pension from government through the Earl of  
Dorset

a portion of about 5000 £ ster.  
long a year Lord Harbot was French Ambassador Lord Shaftes-  
bury held office under the government Lord Molineux Broke was  
Secretary of State & Mr Hume had a pension of 1200 £ ster  
for writing against the Christian religion

Cleryman in England except the Methodists enjoyed for  
propagating the Socinian doctrine in stimulating the me-  
rely therefore of any profession more than

borrow of being led by general opin-  
ions or judging according to common place ready rather  
than sober truth & experience when we apply this rule

that a few of that order in proportion to their number have been justly chargeable

of professional men appeal  
the proper remedy against the ingratitude of judges of the last  
sort or how the state will not want the benefit of a good  
administration of justice notwithstanding the ingratitude of inferior  
judges. The House of Lords in England may be reckoned a  
very impartial court but seldom an attention is paid to the conduct of  
the members of that Court having the privilege of judgment  
merely by birth & being mostly devoid of despatch & the  
want of pleasure

judicature they generally give too  
little attention to the matters that are brought before them  
or kindly follow the law

to prevail in any of them even to attend the  
house in order to do their duty or to desist a moment from the  
more important concerns of Horseracing cockfighting cards  
contingent. The inconveniences arising from official judges are  
removed in some measure by the appointment of juries. The Juryman  
of he is fearless of his duty & situation is equally inclined  
to protect the innocent & to condemn the guilty. Some have  
been of opinion that juries may be properly invested with  
some measure of discretionary power to mitigate the

regions of the law or to supply its defects but juries have  
their prejudices as well as judges though they are not per-  
petual but mostly occasional magistrates & are apt  
to use a great deal of discretionary power even though the  
laws have not invested them with any when they con-  
sider any law has hard or severe may find many ways

to clear & strong it to a common case in England on charge  
of grand Larceny for juries in order to bring off the Pan-  
nel to swear that the goods stolen were under the value  
of 40 shillings though they may be 10 times above that va-  
lue in order to reflect the charge to petty larceny which is not  
capital off has been clearly proved to a jury that the defen-  
dant stopped the Plaintiff on the high way & forced him  
to change half a crown & on his returning with this pur-  
<sup>that</sup>

an bodily fear of his life he was obliged to  
ride off after having given the defendant back his purse from  
the ground but after all they jury found what it was not proved  
that the purse which the Defendant took up was the very  
same with that which they recovered out of the Plaintiff  
hand so

cause a jury that the  
defendant meeting the Plaintiff on the high way gave -

of his whip - that th. Plaintiff's face was seen immediately covered all over with blood yet the learned jury found that it was not proved that the blood which was seen on the Plaintiff's

defendant's whip, but that it might have been from some other cause or the accidental bursting of a vessel in the nose or the like it would be very difficult to produce any instance of any judge or official judge equal to that of Jury men Mr. Burns Philosophy which denies that there is any connection between the cause & effect and was not then published but this instance abundantly shews of how great use that philosophy may be to corrupt judges & jury men when they want a pretence for perverting justice. The belief of the fashionable sceptic philosophy if we may apply the term of believing to men who profess to believe nothing is most dangerous for judges & juries men & may deprive the poorest citizen of the benefit of the best laws on the world.

Roman judges & the official judges learned in the law may be said to be a modern though a very useful invention with very great fitness for or great antipathy to judges on the part of Jurymen may in this turn be fatal to justice & the interests - of mankind but if the

Misgovernments  
abound to among the generality of the people juries often  
will often hear bad characters so that the administration  
of justice must be very imperfect

<sup>judges on the whole Experience</sup>  
has abundantly shewn that a different ignorant or  
unprincipled

with as much im-  
punity & as little cconomy as the tool of a Despot &  
also with the same freedom & safety because no jury-  
man is held to be responsible for the verdict or award

England that bad judges have seldom been restrained  
from perpetrating justice for want of juries to thus mind  
that good judges have been often unentitled to their admi-  
nistration & obliged to neglect their duty by juries that were  
disposed to give every thing in favor of the parties

good laws & even the best of judges can be of no benefit  
at all to the public without integrity & good moral in  
the body of the people when a people are divided into  
several orders & classes as Shop of Patricians  
Squires & Plebeians Lords & Commons the Rights  
of one order would not be safely intrusted to the

judged by her Peers howeverth.

The Peers to th. judgment of the Commons  
grounding on ly that one knight who may be supposed as a  
muddl. party to be free from th. judgment of Lord & Com-  
mons

must be compell'd to answ<sup>r</sup> from diff'rent Rankes in Society that  
in som. Case they ought not to have the power of judging each  
other yet distinction is so agnall to the nature of man's  
so unaccordable in the nature of things that it has ta-  
ken place every where even in Swiss Republick which  
are the Dost & the greateft that we know of in the world  
foundations of attachment & consequently

to th. law & right of individuals to be tried by  
one Peer must give the greatest security to an innocent  
him to be perfectly safe when that is not the case besides  
th. spirit of emulation which is exulted by obftruſion of thanks  
& th. useful fermentation which it exercites in Society on  
advantage which cannot be attained nor even conceived in the  
dead level of republike party. This Emulation produ-  
ces a high degree of activity a ſort of honor & elevation

of foul enriched the  
of soul on which this lowest rank may contend  
with the highest etherean number not only

on the right of one another but prevent many crimes  
specious of bad conduct that naturally arise from mean-  
ship of soul & a desire of it to honor & regulation  
with regard the second question concerning the num-  
ber of judges in court it may be said that in

of few members because those that con-  
sist of many members are apt to carry popular faction  
& partly into the judgment seat or it is found by  
experience especially by that of men that every individual  
in that case hopes to screen himself from censure even  
on judging falsely

or credit of the whole Body when a man speaks  
of honor is not to be found numerous bodies of men are apt to  
encourage one another in injustice under a republican govern-  
ment wherefore all bodies of men that are not incorporated  
for mere commercial purposes will be found uniformly to  
judge & act much worse than individual or bodies con-  
sisting of larger numbers for the proof of this let us only

imagination to those of a nation & then as the influence of it  
could be propitious for them could be bluffed or whether there is any thing  
in the world that could make them ashamed now than circum-  
stances as well as the general prevalence of ignorance in one  
of the reasons why the generality of men seldom judge justly  
by either in matter of right or in matters of fact having no  
character to support & being under no check or restraint  
from without either in the way of shame or fear before the  
generality of a party must commonly be in error igno-  
rance豫備 & the belief of gross falsehoods no one is account-  
able for one man's consciousness above others no one has any to  
fear from wrong judgment all are tempted to honour their  
party & to judge at discretion other innocent persons there-  
fore on account of unjust attacks upon their character appeal to  
the public for redress they must be understood to mean by the  
public not the generality of mankind but only the intelligent &  
distinguishing few who alone deserve that name who judge with  
reproach & are contented with truth but with regard to man-  
kind in general the character of every man who is in any  
measure publickly

purely according to the notion that different parties form  
of him very high perhaps among some & very low among

others & offidoms without any good reason or other fide  
on the casual judgment of the ignorant & that of men of worth  
upon the rumors of the worthless for such is the condition of  
human things that the most numerous court of judgment  
namely the public at large is always the most ignorant  
& unquietous one though it can be to no purpose for any  
man to appeal from his sentence

though possibly

of another kind here the infamies that are given by the  
public at large fall unmercifully to the ground because no man  
applies them to himself but it is quite otherwise with re-  
gard to accusations on the public

as he can thus in the graif

that is given to our own country or countrymen every man  
considers himself as intitled to no small share of them  
but when infamies are pronounced on our countrymen  
man puts them away from himself after supposing them

generally he himself has no share of the torment under  
monarchy on the other hand courts of justice are left composed  
of many men because here the influence of the Crown is more  
to be dreaded than the justice of the people in a regular trial  
the usurpation of the judges to be a countervail to the goodness of

only few can be found that have other courage or inclination  
to do so but on the other hand the influence of the crown is so  
very formidable that single judges or small numbers of men  
cannot be expected to be able to withstand it & therefore the  
French Parlements while they consist of being numerous  
thous of men

in that Kingdom such a number of men  
generally unanimous & without any personal interest held  
very often under the King & yet standing up boldly in the  
cause of humanity & justice were not an object to be despised  
merely a King of France

of no avail —

"Sed illis defendit miror junctaque contumelie palango.  
A single person or a small number of men however respectable  
cannot withstand the influence of an absolute monarch  
when a poor Poet was once offended by some usage of the Em-  
peror augustus he was advised by some of his friends why  
he did nothing against him

for uniting against a man that had 10 Legi  
on under his command."

" alluding to the

Papinian the Lawyer suffered death from the Emperor.

be an unjust Edict &  
in the fault of the law. The influence of the Crown can  
lift over all corrupt numerous Bodies. Then single men or a few  
or numerous Bodies are under a monarchy as one or their deli-  
berations of all that zeal a ardour that animate popular  
assemblies. & even when they do not judge more impartially than  
single men might have done.

The many which  
we have shown to be sometimes so faithful to justice in  
a republican government because of alement undiscerning  
as upright servants of the Crown are at the same  
time friends of the people when unanimous & con-  
siderate encourage another greatly in support of  
the rights of mankind. They feel a mutual inspiration  
from the zeal of each other & defy the torroes of death in  
company in the same <sup>manner</sup> as children who are very timorous  
on the death of they are alone but boast like great he-  
roes when they are in company

Lecture 197 May

The Sport of Justice when in "negligence" is the greatest  
corruption tends under monarchy to prevent a full quater  
or sixtess to those in power that have formerly opposed it

all the simple forms of government have a constant  
tendency to change & corruption this monarchy tends to

that vulgar thunders must be on the found of state  
where the spirit of faction is balanced by infidelity the  
Prudencies of the few on the other hand that monarchy  
must be on the found of state when the influence of the  
Crown is balanced by the spirit of faction & the prudencies  
of the many a proper mixture of opposite power is an  
antidote to the wrong tendency of each of these simple forms  
of government for as among young men there are most appro-  
ved that have something of the faculty of judgment & reflection  
of the old & among the men there are most approved that  
have something of the cheerfulnes & frank & doulty of the young  
In the same manner these monarchies on the left which  
have the greatest quantity of the spirit of liberty in them  
& those Republics an extremely left which have most of  
the spirit of monarchy

The ideas I had without  
difficulty or reluctance on the other hand the more probability  
that there is to be found in a monarchy the former must  
it degenerate into a despotism & the misfaction con-

tempt of government that there is in a Republic the  
sooner must it fall into anarchy

extreme land at  
last on the same dismembered so that they cannot be  
subject to the publican or monarchy who encourage either  
of the two. The office of the executive power is to apply the  
force of the state to national purposes just to give effect  
to the laws & friendly to defend the community against  
foreign enemies. Even the collector of the  
justice

authority of the laws must be in great danger of being despised  
especially in a Republic if no law of force can be made all execution  
of the law of the state to its own Citizens must  
indeed be always disagreeable but may be sometimes necessary  
for the want of it upon mankind the state itself may fall  
into dismemberment In most cases a government will be rejected  
whether at home or abroad only in proportion to the force that it  
can command or bring into the field at pleasure as much of  
the principles of Union therefore must be kept up in every state  
as well the Citizen either to submit to the laws  
without constraint or which will be able to produce a force

But its

necessary or exceedingly comfortable  
the agriculturist & good citizen a must add greatly to yr.  
tranquillity but when the cap is otherwise & when the state  
has either no force at all or so little that

a few fit for fear of tumult among the people  
good citizens must be filled with anxiety & have great fears of  
danger both from without & from within. The nucleus on which the  
executive must be exerted an other continental or naval  
& in case of danger from abroad it requires prudence & dispatch  
In all wise states it has ever been thought admissible to have  
a confiduumal force constantly on foot ready for any sudden  
emergencies & continually disposed to obey & execute the orders  
of the Sovereign either abroad or at home but when this  
force is either totally a wanting or to little when it is necessary  
it is not easy to see how a republic government can be gov-  
erned at home or how the citizen can be in safety from  
foreign enemies many states are at a vast expense for Garrison  
fortifications & frontier places the Kingdom of Spain &c. G.  
has its extensive land frontier guarded by a double row of

Breast thornaten to injure & destroy all the

enemies that

war when the Power of France was very  
low the Duke of Marlborough then at the head of a great  
allienous Army was urged by some about him to march his  
Army to Paris but he replied like a royal Friend a prudent  
general that he knew of a thousand ways unto France but  
that he knew of none out of it the success of the son of the ex-  
ecution of a state may often entirely depend on the success  
of its motion

command of it. In choosing proper peo-  
ple for that purpose confide a great part of the command of a state  
in the making with them a great part of its good govern-  
ment. Principe in Republican governments confiding of the  
whole people or of numerous Bodies cannot except the ex-  
ecutive power there are some truths which though exqui-  
tely plain

The necessity that there is of dividing the legislative judiciary  
and executive powers on a Republic. The power it is true is de-  
creed from the people but it must be denied absolutely from  
them to others before it can be applied to their benefit as they  
cannot except any part of it in their own person but  
when any power whether legislative judiciary or executive

delegated it is

contrary to good order to law & good faith for any one citizen  
or any number of the citizens to oppose the execution  
delegated but it is their duty  
on the contrary to support & submit to the same for the good of the  
community as to oppose the delegates appointed by the people  
in the name of supporting the people's right of power is not  
only against reason & common sense but is treason against the  
state & a subversion of all order & government whatsoever that  
those possessed of delegated power should be deprived of it as soon  
as the stipulated & legal time is expored

during the time that

they had the use of it is indeed no man than reason but if  
during the time that they are legally invested of it they are  
interfered in the exercise of it by the people they cannot surely  
be made responsible for the use of a power which they have not  
nearly been permitted to use at the same time the state may  
suffer the highest detriment by the interuption of the use of  
the power

Such large bodies of men as  
confederate or usurp the sovereignty in republics cannot  
this be continually assembled nor ready to furnish that all

than can be expected in any numerous or popular assemblies  
but the majority of the people delegating their power & being  
subject to the person to whom they have delegated it

public distress at such a time it would be most ridiculous  
as well as unusual & ungrateful.

resumption of the popular assembly before any remedy was tried to  
single persons or small councils will therefore  
be able to do much or

armies & having power to control the authority of the general  
have been found to be very pernicious the counsels i  
mers of the state who attended the Dutch States on the army  
of the Duke of Marlborough

the American Provincials who contrived the operations  
of their general have been in a great measure the cause of their los  
ing

absurdity for a state to employ a civil magistrate to control  
the operations of a military commander is no better less ridic  
ulous than to employ a military man to guide the operations  
of education yet not only Negligence but even some monachism

proposition to tell every body  
the French were bound to enjoy  
both on the supreme & the subordinate station  
& the late Count de Gras was the first regularly bred officer  
who has ever commanded a French fleet & where Clergymen  
have been sometimes appointed to that office. In the reign of

of France governed the operations of the  
French navy according to his direction while he enjoyed that  
office the De Pernon governor of Guîenne

into his province but was told by the admiral that he was busy  
in preparing orders for the fleet

The Duke inferring such an in-  
dignity to a man of his quality & at the same time deeply  
jealous of the alacrity of the archbishop acting as admiral at  
Oran went away in a rage & when the archbishop some  
time after waited on the duke upon his former behalf

said that he was then reading a few chap-  
ters of St. Augustine & St. Jerome & that he would read them  
him as soon as he had done reading three chapters & when  
the

with a Council was candle upon it & a  
hand by way of shewing him in what manner an Ambi-  
tious ought to be employed rather than in performing to com-  
mand the former navy affairs that come in consider that  
admit of delay

Select councils such as the management  
of the public revenue negotiations & sometimes treaties but  
affairs that comprehend only a single state that will not ad-  
mit of delay must be committed to single man as to the  
magistrate or officer who has the keeping of the peace or  
the leading of the armies the ancient Romans were so  
fond of this that in time of confusion or distress when

they chose a Dictator with absolute power but as mankind are  
extremely apt to pass from one extreme to its opposite they mi-  
ght get any turn to the Dictators power or made him  
unserviceable

greater worse than the defeat Sulla brought him  
to the brink of ruin by his very proscriptions but he saved  
him by other means laying down his office upon that occasion  
as taken notice that Julius Caesar  
for laying down the

Dictatorship Sullam

dictaturam desponsit "c afterward when he got the dicta-  
torship himself he followed his own maxon by turning

he totally over turned the liberty of his country  
It is commonly when men born free & by opposition or dif-  
facement or some favorite scheme that they are apt to  
fling into the opposite extreme of their comfort & health,  
things that grow

followed such persons an ungrateful  
for publick trust in any capacity a man ought not to expect  
to have all his will in every publick deliberation or he gets others  
to go half way with him he ought not to judge to go the  
other half with them. Persons are always doing  
something

for the publick interest will be found to be much more  
prosperous than a frugal & domineering temper that obsti-  
nately refuses to act unless it may have its will gratified to  
the utmost extent. This a great

disgrace & that is  
widely the reason why republicks loss more advantages &  
are exposed to many more inconveniences from men of  
this unhappy temper than any other form of government  
that can bear contradiction quickly & wait for full opportu-  
nities of action is by far the best for bearing publick trust  
in commonwealths but men of this last

For want of conduct & complicity a complete peace many favor-  
able opportunities of acting have been lost that could never  
afterwards be recovered thus when the Venetians

intend but as he was  
desirous to make the whole honor a success of the negotia-  
tion to depend upon a work of his writing he ordered his  
Embaſſador at Venice not to present his book to the Senate  
or to make any proposal till St. Jannī day which  
was then at a considerable distance

folly of the King to make proper concusions to the state of  
war so that when the things was he a few proposals were  
at last presented the Senate gravely told the Embaſſador  
the King had already settled matters with the Pope & had  
now no occasion for his master's mediation —

Lecture 190 - May the 9<sup>th</sup>. 1709.

under Monarchs whether absolute or mixed the  
King incapable of every branch of the Executive but he ought

to delegate to others whatever may contribute to render his power  
useful or odious

objets of opposite affection many monarchs indeed have  
commanded their own armies in person with honor & success last as no  
man perhaps has all sorts of talents

even though he may have some knowl-  
edge of military affairs may be very unfit for appearing at the  
head of his army therefore ought to delegate that office to  
another the celebrated Charles Marshall who is the author  
of the code of the modern

Potius refused the command of the  
troops of the Duke of西班牙 when it was offered him a man may  
have a theoretical knowledge of another profession than his own  
qualify superior to most of those who exercise it & yet may  
want that extemporary bravery & composition of mind that is  
so necessary for reducing their theory into practice a man  
by studying mathematics may understand it very well & even teach it with reputation though he may not  
be fit to pilot a ship or to figure a nation the celebrated  
Mr.

Boston might  
in his own reckoning tell himself a man confined to the salerooms  
imagining that by his great skill in mathematics his reck-  
oning would be far more accurate than others at least be-  
ing impudent to conveine them of his impotence and

What an unfeathered advantage it was to them to  
have a gripper of Mathematicians on board considered  
to tell the Farmers that in 3 days they would be land  
thank you for nothing masters replied a Sailor for I see  
Capt already the Philosopher did not offence

Spectators men however may  
be of great service to the Arts & may sometimes even discover  
matters that have not occurred to those that employ them  
every day there are prejudices of practice or will as of  
theory & those who are engaged in the practice of any art  
are apt to have too great a contempt for the judgments  
& observations of those that have never practised it but a  
truly liberal mind will never despise rational advice  
from a master & practise it comes as true as with desap-  
probation when he has fairly.

Mr. Clift an ingenious Scotch  
Gentleman

with such spirit & ingenuity to the study  
of naval tactics that he has devised a system of that  
science on rational principles & illustrated his maxims  
by the experience of those who have given the best accounts  
of the most celebrated naval actions that have been &

principles have been coured with admiration by us  
already tried & actual

now passing for the person who is to conduct the executive  
force of his country on delicate missions through these talents  
may not be equally majestic in time of peace or be a person  
who is destined to act under the infliction of an execution  
officer the punishment of Criminals is a part of the executive

yet it is necessary that

The executive authority of the sovereign should appear in  
at least full allusion of his power to supreme to take away  
men lives who had not been condemned by the laws of their  
country & this is no doubt one of the most dismal & disa-  
graceful parts of the duty of a sovereign & however necessary  
it may be to execute his commission & make him from  
what unhappiness in his situation who would have thought  
that it was others who when a death

"willow"

"But the honor of this ought more properly to be  
given to General Lee and the happiness in the person  
Commander in Chief while he acted entirely according  
to the orders of that Philosopher on the other hand the

queing of cardon charging of sentences  
acts ought to proceed imm-  
ediately from the person of the Prince or the order of faculty  
cannot be long enjoined while an ill opinion of the Prince  
or executive Magistrate prevails among the people &  
therefore all due methods of preserving a good un-  
derstanding between them ought to be observed the  
abuse of the executive power are variously restrained  
under different constitutions thus in Prussia they  
are commonly restrained by the short duration of office  
authority in the person of any individual or by the  
vigilance & emulation of his competitors if not by  
their own virtue & moderation but they ought likewise  
to be restrained by strict responsibility & by  
the approbation & disapprobation of a candid & intel-  
ligent Public the annual magistracy of the Roman  
Empire was designed to prevent the evil consequences of  
long continuance in office other free states adopted  
methods not very dissimilar for the same pur-  
pose Mr David Hume in his project of a confed-

to bring them to answer for their conduct & tho he allowed this alone the knowledge of impecunious gets the court was supposed to consist wholly of unscrupulous or disapproved candidate. for the same officer it might justly be expected that their answer would be accompanied with a considerate degree of strictness if not of severity but without the formality of a court of the like kind there will commonly be many persons abundantly disposed to unfair the conduct of the executive etc can afford sufficient regard the conduct of its officers but the greatest diff. is when officers are not made responsible at all

whatever as has generally been the case hitherto in all the United States. This would scarce men than any thing else tends to render officers capable of honest & impartial justice & unusually indulgent to others according as they are disposed towards them know very well

in every govt what favors or making it a min farce but there has not been committed least even

applauded  
a land of Liberty If a person in publick trust  
have real virtue & moderation he will indeed gain the  
publick the trouble of inquiring into his conduct by giving an  
honest & candid account of himself of his own accord for the  
consideration of his character but publick laws & consti-  
tutions ought most to suppose that any man is honest or  
dishonest except according to the testimony that arises from  
his conduct on the contrary

men acknowl-  
ledged good men ought to give the same freedom for their  
good behaviour & their conduct ought to be examined with  
the same strictness as that of those that are known or sup-  
posed to be of bad character & the

executives do not  
give freedom to the publick forth the performance of the  
duties of their offices or when they are not made respon-  
sible for their actual conduct on them the last of these  
errors prevails most in this country & the first in Great  
Britain where there is an act renewed every year for  
more than these 20 years past allowing a further  
time which is always understood to be a year to put  
persons who have neglected to qualify themselves for office

purpose. This act was first devised by Mr Pitt. Some of  
the old Tories who wished to encourage the employing

Stewart family

intended this way of admitting them into the service of  
the Crown without requiring them to change their principles.  
The consequence is that very great numbers of officers in every  
department of government are uniformly professed by  
the friends of and the enterprize of a family who have never  
come under any engagement to the King or constitution  
who might without the guilt of perfidy have joined  
in restoring the heir of the Stewart family whenever

ought never to be violated because it would be a go-  
vernment uniformly with distrust regard to a govern-  
ment a temptation to our bow at without having qual-  
ity in their own opinion of perfidy or rebellion up the  
same hazard

into office without making  
profession of any religion or tracing any part of the obliga-  
tion of an oath. These things are ordered so differently  
in England in this respect that every person whom the

Being Employ'd  
to produce an extract of the Testimony & Catechism  
of the Church of England according to the Censuring of the Church of En-  
gland those who have no doubt tho'

possessed of a high sense of honor & of a love of the  
publick as well as deeply sensible of the importance of the  
offices committed to them to whom

been safely in-

trusted some of the most important powers of government  
with an Sparta & Rome were affably dispensing  
& left the officers that possessed them almost under no other  
restraint than that of their own moral & principles so high  
a degree of confidence durst men in those times repose in  
the virtue of individual citizens who then vied alongst an-  
other with each other in discharging their offices with  
honor & profit to the publick

c cheating the pub-

lic being confident that they will be called to no account  
when men are found whose characters render them worthy  
of great trust the publick will uniformly be left forward  
but even in free monarchies

charter'd some refuge must  
undoubtedly be given on the part of the publick otherwise

No proportion can apply to  
every man's character. The degree of trust that is fit to be  
reposed in him would be an undiffuse impractical un-  
derstanding. Therefore the degree of trust must be pro-  
portioned

among men so that some may have too little &  
others too much power intrusted to them in the very  
same office regard being had to the difference of their  
characters, but no man is wronged by a moderate or  
overvigilance

of meddling characters who may be  
either true or false to the publick in the discharge of their  
offices. Thus in common life a real good man deserves  
on account of his character to be intrusted to any extent

a bad man on account of his character ought  
not to be intrusted at all but on the real characters of  
men as laid down before a moderate degree of trust  
must be established

otherwise & on the  
other hand both good & bad men ought to be obliged  
to give equal security for their upright behaviour in

thus offer. Then in common life a man would not leave a honest man of his word to refuse to give the same security for fulfilling his contract

other or public  
or general business may be legally refused of an in-  
tention of cheating because a man lets really design  
to cheat notwithstanding

That he will actually do so  
is not to be bound. That propose to deal fairly will be dis-  
cerned by them that they may deal with the greater  
security

same manner that the law pro-  
fessor former of a middling character than those who will  
give no security whatever may have been the considera-  
tion or consciousness of their former character or proprie-  
ty

must necessarily be entrusted  
to one person then must be great discretionary power  
conferred along with it because without that the  
person who is entrusted cannot adapt his general orders  
to particular person or affairs & moreover a com-  
mander of an army must not be under the necessi-

arous or perhaps of the whole state may depend on the fate of a single day, great property as well as great value appears in the highest degree where discretionary powers are allowed but as the generality of men are so unfit to be much trusted their powers ought to be dealt with a sparing hand & never granted except when the will of a State sufficiently requires the commutation of them yet it has been found by practice that even the highest discretionary powers have sometimes been delegated without the least loss

c a

first regard to moral obligation Then the powers the Roman Consuls were immensely extensive & discretionary they could do anything of the citizens of Rome of their office rank & character in a most summary manner & without appeal yet we do not find that the Roman officers ever proved in the smallest degree disorderly or prejudicial to the Roman people on the contrary this magistracy was used to the last & never produced any bad consequences thereon account.

ing to our modern theorists such an office would have  
been worse under

of the Citizen is great & the dif-

ference between libertines & grantees a real knowldge of human  
nature & the dnamenqy calculations of speculation &  
superficial politicians unacquainted with true philo-  
sophy a history soon imagine that when mankind  
have a great deal entrusted to them they make them

really happier & unluckier when they were honest & gene-  
rous before the good consequences of immoderate trust  
have unpoortly arisen

The persons that were so highly  
trusted rather than from any effect of great trust in  
making people more honest than they were before  
In monarchical the adviser of the executive

all corruption they are left unfeared

to the Executive but for this very reason  
the knowledge & rights of particular person ought to be dif-

States without exception. "Salvo jure capi libet" ought to be understood in all common law countries whatsoever because no man ought to think that he has it on his power by any commission to transgress the laws according to the ancient adage "Id lantum possidit

But the  
punishment is carefully for the most part the knowledge of its rank that a mistake on this head is scarcely to be expected. The Roman Citizens were exempted from certain capital punishments in all cases whatsoever except that of Treason.

Take their word unless the contrary can be proven however enough is said against Verres for having caused

while he was Proctor of Sicily though he asserted with his last breath that he was a Roman Citizen now if any proof had been

by evidence it would not have been uniuscolum for the Proctor to have treated a man or no citizen when he had brought no proof that he was one

to George the Apostle Paul, he immediately left off  
when he told them that he was a Roman Citizen

authority was an infallible proof  
of a right to a Roman Citizen & this too contributed greatly  
to confirm this right & limit the power of all subordinate  
powers & thus

... yet make law in England  
that was made for the protection of Dogs on occasion  
of a Dog being stolen belonging to the late Prince of  
the Wales

such animals by whipping  
of a man thought himself aggrieved

quarter Sessions 10  
days after he had been whipt but his right of appeal w<sup>d</sup>  
have been full up to him if hanging had been

time that the important concern of Republican Dogs has  
had the honor of occupying

was 1756  
while the nation was vastly alarmed with the fear of  
an invasion from France the Parliament even finously

that it apprehended from the  
mighty organizations of the French nation. The  
officer having  
from custom become so indolent in the opinion of the pub-  
lick the State can receive little Benefit in this way unless  
all officers in their going out of their power

at all or at the instance of an official one or "Collaborator  
publicus" unless the fashion could be removed among  
in that one promoted among the Romans.

introducing  
themselves into public life & public notice by abusing some  
remarkable defaulter in the public service  
law in the latter  
way many Roman families continued to perpetuate their  
names whence

Sempronius cornelia fabridia corne aquilia etc like  
which we still find in the civil law in England it has  
public officer who could afford to give them a great deal  
of money to differ from the accusation & to differ from  
it accordingly when they had got as much as they could

in the East Indies till the Culphars compromised with  
their accusers & gave them as much

gouvernor Hastings & supplied by forms so  
be of the same nature &c.

The great wrath of Africa  
proved fatal to the Roman State & they  
not yet appear  
that it has as yet produced all the effects that might  
be expected from it - - - - -

that is committed to the direction of the execution may likewise  
contribute much to prevent effects  
soldiers devoted only to their leaders na-  
turally appears very formidable to the citizens of a free state but this  
year ought to be greatly shamed when it is considered that these sol-  
diers themselves are citizens who have given pledges for their good be-  
haviour & are under the strict command of the magistrate  
Some Magistrates encourage foreign troops as being more obedi-  
ent & disengage their own citizens from entering into the

Surf & their seamen are mostly Danes & Americans the  
burghs of the Republic of Venice are likewise mostly foreigners  
what is worse they are commonly under the command of foreign  
to the jealousy of the Venetian Admiralty. disengaged their an-  
nobility for serving in the army or navy of State with any hope  
of reward for fear that they should in that way become more po-  
pular & dangerous for the same vile reas<sup>s</sup> they affront a ruin  
every brave man who has served them with such a honor left  
in shreds become too popular & attain the influence that may  
be formidable to government the Tyrant who pilled the Greek  
Colonies or Peoples generally did it by the aid of mercenary troops  
It was indeed something to the end of the Greek

Tyrants that wanted to en-  
slave their country but they often did the same thing in another  
shape by their own faction which misleads & banishes one and  
thus alternately as they had it in their power a standing army &  
a Tyrant may end the trouble but the same army under the  
executive magistrate of a free state ought to inspire no terror at  
all as their power is only the power of the Lord & the defense of every  
man's rights as well as the of the state of Government when soldi-  
ers are composed by custom or popular opinion as quite dis-  
joined from the rest of the community engaged to live for life

they are soon apt to see fit to liberty a captor influenced  
to act against the rights of their countrymen than when they

the great difficulty of raising  
or recruiting armed troops of need occasions that being enga-  
ged

whereof the ministry of that country have been guilty to those  
who were enlisted for a limited time must under the burthen of

the education  
which they give to a slender their separatory them from all their  
connection their training them by th. which e

to per-  
form the motion of Puppets & th.  
dignify them in a manner of all

confusio  
or absurdity except what is imposed onto them by their word  
of command or military music their leading them to follow  
their colors mechanically thus removing them from the ordi-  
nary labours of family, & undering them in a great measure artifi-  
cial men.

of the Society & constituting a quite different interest  
thus uniform & their arms as well as their discipline continually  
present to you that they differ from others & that being separated  
for the most part from the rest of the citizens & generally confined  
to the posts of each other tends no doubt to dignify them of

many of the prejudices & habits of citizen.

manners & amusements

& thus an come to be treated as a sort of foreigners even by their own countrymen on which account the interests of the rest of the society become very difficult to them for their reason is, found that in time of war the recreant citizen commonly suffer as much from their own masters as from those of the enemy or the Paymaster of soldiers against citizen turned to chief of citizen against them often give them sufficient reason of

that his men will

find common way hedge he do not mean that they would do any thing extraordinary or which had not been done before yet when the armed force consist of citizens & under a proper discipline they will find that it for their interest as well

excited but trust

the soldiers & the rest of the citizens none can say how far it may go or what effect it may produce on them the affection of country & kindred may be overcome by prejudice or can be lost by injury though insult may be offered to soldiers they do not use their arms without orders & they have no other resource so that their behaviour must greatly depend on the character of chief that command them but when armed

confit of men of moral qualities & an under good diff  
afore it is purposing has much they may be restrain  
d from doing the least injury to country

any laws for the  
quartering of soldiers the law orded paper that they have  
quarters but it grounded now for them & all that they have in  
their way is men wiston & tollerance in peace or the contra  
ry the statutary knew full goodly by law that they  
act as the masters of every house that they order but the En  
glish have left the right of the soldiers quarters wholly  
undred he must have either

great quiet the lewes are now openly of each other  
while the

leaving they may be quite harmles to the con  
federation but one circumstance with regard to a part of them  
that are informed in the service of government in every coun  
try their selves

yard are all four men of different  
barrows & commonly under their  
colours from one of the to another to vote for the  
candidates now many parts of the soldiers or seafarers were to do  
the same it would

restrained from coming with in 12  
miles of any burrow or county town during the term of an

than a real infringement of it & the manner in which Brooks believes or whether the national form is conducted & managed becomes thirty the —

quality of a state. All that now remains of our Plans is to take off that obtrusiveness of the subject with their present

conduct. It may appear from a comparison of the past as already placed in the history of the Society with what is now stated at the last of political exigencies that men generally accommodate their establishments to their actual circumstances & that on the supposition of such circumstances there is little room for immediate improvement. Thus men of probity & courage especially in small communities have commonly concurred to regulate their government in a disengaged

& actuated by sentiments of honor have generally ranged themselves under oaths & oaths of confirmation of their respective Masters every large Empires continue to be governed as they were originally formed by some other agency & origin of nation,

on account of their antiquity & ignorance of the arts was  
commonly very often & in most cases almost totally unknown  
another cause which contributes to the same is to the vanity of  
most nations who after they have learned certain & consi-  
derable knowledge throw a veil off ~~the~~ fiction over the  
beginning of their history in order to make their origin  
appear more respectable "misendo humanae

"rurum augastionis paucis"

John Churchman that the author of the fiction  
that Cyrus the founder of the Persian Empire was raised  
by a Bear & Thorvald a Numan the founder of Rome  
by a she wolf . the vanity of nations when arrived at  
wealth & power & their endeavours to give themselves a  
very remote & honorable original is to be discerned  
almost in all histories ancient & modern The Trojan  
was one the most remarkable ancient event in which  
a great number of the tribes of mankind

"nudatione"

dispersion of men many nations endeavours to derive their  
origin from some of the heroes that are mentioned in that  
traditional history Mr. Voltaire has an illnatured observa-

bition on the subject he and  
parallel cultural romantic account, which Mr. Graham his-  
torian gave of the origin of this upper hemisphere & the detail  
which Mr. F. Brochart has given of in of the first settle-  
ments of mankind after the flood in his

Mr. Brochart in tracing the  
origin of the Phenician Cities & the origin of the most  
ancient nations makes up of the Etymology of ancient  
names compare with remote traditions to ascertain the  
origin of various nations from the general person that  
are mentioned in the genealogy of Noah's family & thus dis-  
covered & related by Mspn. He says that Mr. Brochart has  
done with Noahs ark what the ancient did with respect  
to the Trojan war namely that he has endeavoured from  
a little bush to authorise a number of fictions

of the Romans  
who were otherwise their great admirers but Mr. Voltaire  
having no acquaintance at all with the oriental lan-  
guages nor even with the greek ought to have been much more  
modest on this head as he was thirty extremely incapable

life of jud

c therefore endeavours to furnish at his depositions  
though it was impossible that he could know anything of the  
matter by comparing them with what he had been of the Greek histo-  
rian.

of the war of Troy but it was still more convenient  
for a man to pretend to judge of a language or argument in  
which he could not probably understand & even the greatest admi-  
rers of Voltaire cannot overestimate him

in his Philosophical dictio-  
nary under the word misnah or orders make a gloss of a  
poem of Leucippus which it is certain that he did not possess he  
says that misnah in Hebrew signified the same thing as

happens to be intitly of  
his own making it not being able to be found anywhere else the  
greatest part of nations so far as we can trace them are de-  
sended from barbarous tribes who have at different times

exhibited more praiseworthy & undevonious nations & settled on their  
sites & in order to cover the scandal of their own conduct have  
inscribed a variety of fables to render their origin somewhat  
more venerable but we ought no men to wonder at this  
than at the vanity of many individuals who after they

of this family from some illustrious & uncommon persons mentioned in the history of former ages in order that their family may ~~not~~ soon become nearly buried at rather but easily to have recovered the splendor of its progenitors In the same manner as with law of England when a man buys an estate

was originally his by descent

to restore him to the possession of his original rights In like manner Herodes Atticus a Greek Philosopher in the time of the Emperor Hadrian having fortunately found an ancient trumper that had been concealed

from Achilles as well as Alexander the Great he counted all the evil gods among his progenitors but the most ancient family that is any where heard of as that

descended from the Devil & not only bears the name of his great ancestor tool signifying

represent him on his coat of arms the heraldic state appears to be the most ancient which we can discover any monuments or traces the hunting

State that preceded it in many parts of the world

Pastoral nations have been generally migratory &  
it is only from the time of their settlement & their be-  
coming stationary that we can trace the arts or the  
monuments of past nations among them & their settlements

occur in the history of the Jewish Nation  
which is peculiar in polygyny we see all their gradations  
definitely & it is not conceivable what most other nations  
have passed through the same stages & which made what  
elements to themselves by accidence though none of their histories  
do.

from & that of the Jews constant victories  
have not however been able so far to efface the history &  
origines of nations as not to leave a few traces of aborigines  
and more ancient inhabitants which were exterminated  
or subdued by those who had superior & durable in  
this field the Africans indeed intended to be aborigines  
but all that we can infer from that is that probably the  
Country of Africa was in a great measure desert at the  
arrival of the first migrating tribes from Asia & Egypt

part of them in antiquity & accordingly worn  
the effe<sup>t</sup>s of a Crescent

but when we consider the few broken monuments that we have of the history of most nations we will find that they have come to our knowledge in different states of stage of civilization & that men changes are discernible in form of these than in others.

stationary without the least improve-  
ment or alteration in their manners, or policy through the  
whole period of human history. Then Herodotus's description  
of Africa might serve for the first age because no al-  
lusion whatever has happened in the manners & policy of  
that people for 2000 years backwards. The same might  
be said of the Persians or Sogdians though they have at-  
tained a higher degree of civilization than the natives of Africa

to our notion in ancient history must have al-  
ready passed thro some previous stage of civilization or  
they generally make their first appearance in popular  
or some regular policy

of the history of mankind which has been actually written  
comprehended in memory is the most interesting of all others  
so that we need scarcely be surprised that the best of that which has  
not been recorded as the record of the acts of many countries  
among a people such as the ancient Germans destined by other  
writers

of Barbarous people

only today the comparison of human nature & the  
first progress of knowledge &c &c among such a people can  
be fairly of at all discernible —

## Lecture 200. May the 13<sup>th</sup>. 1789.

The

political conduct but so far as they can be discovered they seem  
generally to have arisen from their peculiar circumstances. They  
certainly determined the extent of their powers & must have had  
considerable influence on their first political institutions. Those  
men who of preposterously of talents to the rest of others were acknowl-  
edged & established by their former authors commonly found it  
an easy matter to get themselves acknowledged as sovereigns by

by them or who professed the same laterly on an inferior degree now an  
monarchy in the most simple form of government we find that it has  
been very short the most ancient & that all the others form have  
sprung from the ruins of it after it had degenerated into despotism  
as there was not probably any great variety in the circumstances of  
different nations & bodies of men so probably there could not be  
very much variety in their history & adventures from this the  
great similarity of the histories of the nations of most nations  
amidst the gloom of obscurity & antiquity we are first made to  
return on the new courage so that we may less wonder at  
miracles & extraordinary qualities in respects as differ-  
ed from the gods or conducted by some Deity & making a  
settlement at the head of a band of Emigrants the they com-  
ing obtained by violence after having displayed prodigies of valour  
in engagement with the Barbarians who are represented as very  
warlike in order to raise the character of their conquerors  
the invasions at last by the wisdom & valour of their chief  
exemplar or支柱 the Barbarians overcame under a high-  
boning chief their commander making alliance with quiet  
courage became the head or founder of a great Empire.

Something like this

imposed the general outline of the history of most nations conquests usurpations confederacies & changes of government on the most usual events in it while in the mean time other scenes are only accidentally mentioned of mentioned at all but military qualities make every where the greatest figure in it & moral virtues either do not appear at all or are thrown into the shade from the reading of the early periods of history in generally dry dull & uniform & only fit for the curious & gloomy antiquarian the inquiring philosopher or the diligent genealogist lost in those changes that took place in government no particular order can be assigned in which the several simple forms succeed one another yet regular have generally succeeded to Monarchies when Charlemagne & Augustus had slain the last Tyrant of Rome

had the uprightness of a monarchy in their annual assemblies Solon indeed endeavoured to corrupt it but Peisistratus won in his lifetime again fixed the Tyranny the people indeed were free then rose for republican government yet from consciousness of the sweets of independency & inviolation of the duties of their offices

became better fitted for it afterwards. A happy time for the  
inhabitants of the country if they would be wise enough to take  
the same course. Republics have been chiefly remarkable for now  
rising a few illustrious & virtuous citizens who have han-  
dled their country from thence though they themselves generally  
experienced the very worst usage from their fellow citizens who would  
have wished of the Greeks Republics were at not for the name  
of Salomon Lycurgus Molonade. Themistocles Agesilaus Ega-  
monander Peisistratus Alcibiades Socrates Conon &

a number of others of whom this nation  
countries was not worthy But the state of the Arts in the Greek  
Republics were of the most remarkable concern however this  
history especially when we consider the very little tranquility  
that was left for the study of them by their frequent wars & actions  
within the empire & conquests that was given to the human  
faults by danger & alarms might somewhat contribute to the  
quench the effeck of genius & the welfare of diff'rent states cer-  
tainly contributed so far as the production of their can no-  
dels which have perpetuated their fame among posterity we  
know that monarchs as well as republics were frequently enga-  
ged in wars yet the progress of the useful as well as of the  
fine arts do not seem to have been very considerable under

the ancient monarchies at least except in that of Egypt  
but whether this happened from want of ~~large~~ talents  
in the monarch or from something arising from the nature  
of monarchy is hard to determine. Some indeed have pretended  
that the security afforded by republican government

surely can furnish a very generally ~~quite~~ content  
that the <sup>French</sup> States were mostly under republican government & also that  
the Sciences & the fine arts proceeded to a high degree among  
them cannot be doubted but whether the first of these circum-  
stances had the chief share in producing the second is the  
great question. There may indeed be regardless in what  
most of the Citizens may be men of groveling sentiments  
incapable of honor & improfite of ambition so that arts  
& sciences cannot be expected to thrive among them &  
on the other hand the bawdry of a monarch when  
he happens to be a man of taste may bestow not  
only liberty but also a profertanty on a number of men  
to cultivate the arts & Sciences with sume very little  
of the wealth of royalties & equally in other times of the  
world he has been laid out for the improvement of the

both by their wealth & by their prudence & application that they  
have gained to learning & ingenuity more grace done a great deal  
for the encouragement of Art & Sciences than it can be doubted  
that Lewis the 14<sup>th</sup> of France did much more for Art & Sciences  
in the course of his reign never than the whole Human Species  
for th. 500 years that it lasted from Charlemagne to Julius Caesar it  
is more probable therfore that the culture of art & Sciences de-  
pends upon the state of domestic economy among a people &  
the nation which they happens to inhabit of dignity & excellency

Tranquillity, Moral, plenty, temperance & a taste for elegance &  
excellency appears to be the great support & encouragement of  
Sciences among a people that have not yet attained to any high  
degree of civilization but if a Tribe of men an other so indulgent  
as to be only able to earn a bare subsistence or so adduced to vice  
& luxury as to be generally indolent, intemperate or depraved in their  
minds by superstition poverty or slavery the study of Art &  
Sciences will not flourish among them a fruitful soil together  
with frugality, chearfulness, the love of society, industry & a desire  
of excellency will always be favorable to the culture of art & sci-  
ences. The state of the Country or province of its inhabitants

men only men informed by virtue & animated by industry  
might certainly be as favorable to the progress of knowledge  
as that of any ancient nation what ever besides we  
have not the labour of invention to undergo as was the  
case with them & may attain an amazing degree of wealth  
knowledge population & civilization merely if we will not too  
easily suppose but consider to adapt the manners of others  
Despotic governments are generally the abode of misery &  
cannot afford tranquility or stimulation enough for the  
human mind to pursue the study of the useful & liberal  
arts but when they are once introduced they are sometimes  
not quite extinguished even by the introduction of despotic  
government such as the East Indies - The useful & form of the  
more ornamental arts have remained for a long time not  
withstanding of the despotism of the government the same thing  
may likewise be said of China where the industry of the  
people supports immense numbers without foreign trade

ornamental arts may suffice under despotic  
so great though with respect to science it would be vain  
to look for  
in India unless the fragments of ancient traditions  
which are preserved in languages that are now dead & by them

accounted said should be reckoned for such the greatness from  
that has been attributed to these nations by some modern in-  
fidel writers appears to be entirely imaginary as no monuments  
of it have ever yet been discovered shall before the last notice.  
Is not the interest of a diff<sup>d</sup> that men should think phi-  
losophize or enquire into the nature of man & things rea-  
son & elevated sentiments being totally except for the slave  
of despotism & tend only to render them more miserable or un-  
capable to obtain their liberty the greatest part of absolute mo-  
narchs have always commonly confined this liberty to  
men natural friends but have neglected or disengaged morality  
at the restoration of King Charles the 2<sup>d</sup> of England his grov<sup>e</sup>  
council adopt him to infuse the Royal society in ap-  
pearance to encourage the study of natural philosophy and  
mathematics but in reality with a view to turn away  
the attention of the audacious part of his subjects from moral reli-  
gion & Politics than an iota few people however won in this  
country who have omitted the very same principle with the  
enoy council of King Charles.

numbers & rods of quantity or labour & trying exponents in  
Statics or Electricity whether totally disengag<sup>e</sup> the study  
of the class authors & the disposition liberal & of half

- 100 -

principles of true policy & rational Government. Of this  
plan I have found insidious indifference & corruption of  
manners at the love of luxury would induce us very soon  
under the yoke of despotism by the best way we can  
by the abuse & wanton profligacy of liberty. It is to be hoped  
however that a master may be found among our youth  
who will not be contented with the mere speculations & banter  
part of Science but will seek through what is useful  
concerning what may elevate the human character improve  
the order & multiply the comfort of society indifference with  
regard to truth & error & a spiritless & indolent Sodality  
that confounds all doctrine to be alike in the ban & ruin  
of this country from which indeed it has much more to fear  
than from foreign enemies or all the other domestic follies &  
deaths most despicable of men to be by the vanity of certain  
factions in which they were traced have exhibited a  
correspondent vanity of mixed government & the issue  
in every case has been such that when we cannot  
rationally change the character & circumstances  
of the people it would be folly to attempt any radical  
change in the government  
can be changed?

or how far such a change in practical? now if any thing can materially change the character of a people the practice of the useful art the introduction of a rational form of government & the study of moral science must undoubtedly have that effect as well the difference that there is between the most

widely contrasting owing to this what might be the full effect of the general & cordial acceptance of the Christian Religion on the happiness of Society so the character of a nation has never yet been sufficiently examined because no nation has yet owned that religion

corruption

of canon law & degrees from will differ'd people in Europe fondly imagined that when this country was raised to independence the world might be exemplified in it the native influence of the X<sup>m</sup>. Religion

unconscious & charac-

ters of the inhabitants of this country nor how far the most part of them were won from desiring such an event indeed the love of indifference & of believing nothing at all staying nobody at all

passions and till they'll give way to industry upon religion virtue & honor there can be no material change in the government of this country the name of

Liberty may

introduce extravagance & profanity  
may rule notwithstanding with despotic sway It is commonly  
but little & little that the greatest events & most material  
changes in the world have been produced by those who have  
nursed the field of knowledge

much as possible of good books  
are read & studied a numerous of learning & inquiry by a greater  
number & with greater diligence knowledge may by degrees  
creep into every part  
antient prejudices may be conquered &  
many things that have been thought Paradoxes might be realized  
of men as not wanting to think

Ambition of enlightening &  
improving their own country None as the greatest says  
was not all built in a day & time is one doubtless required  
in order to succeed in any important undertaking but it ought  
also to be remembered that time itself never does any thing  
but only affords opportunity for action Many to be doing  
something while I pass silently on Industry honesty  
& economy might introduce many other usefulness than  
these from heaven

will offend  
e prepared for activity & a sense of honor at the loss of ex-

-cellence

corruption in their

several stations & to renew the practice of virtue & religion  
In particular we from general views & look into different con-  
figurations but the best maxim of sound Constitution is that where  
matters go lawfully well we ought to be wary of change there  
are extremes on either hand with regard to innovation some would  
warrantly disapprove it altogether & others innovating & changing  
too much the first of these extremes naturally prevail most un-  
der monarchies & the latter under republics Some are of the  
most obstinate in opposing all attempts to change any  
thing in the constitution or form of government in a state  
that they would not even admit to know an acknowledged  
guarantee for fear of worse or they pretend this maxim is -  
"natura non facit saltus" as if a real guarantee  
could compose a necessary part of a good government or  
were less worthy of execration & condemnation for having  
been long established than on the other hand an fond of con-  
tinual innovation & no sooner is any law made, or any form  
of government established than they endeavor to obviate cir-  
cumstances before any proof has been had of its real efficacy  
& consequences of them & to be supposed as it may be with  
good reason that an attack for political invasion is dangerous

of mankind it must be when it is not supported by know-  
ledge or attended with reflection & attention to the bad conseqn-  
ce of spiritual change but an inflexible vigor on the one  
hand & a continued tendency to change on the other are both  
of them vicious extremes & ought equally to be avoided by us  
men. The Miser & Puritan with an unwilling & unrec-  
oncileable poverty made all their laws unalterable & the English  
in many respects approach to this rigor though their constit-  
ution admits of repealing Statutes "Nolle meus liget anglo man-  
tum" - or however the common motto of their administration  
On the reign of King Charles the 2. when the nonconformists  
complained of sundry laws w<sup>t</sup> in their opinion were  
contrary to the rights of mankind the court frequently  
acknowledged that there would be no harm in repealing  
these laws but that it became the dignity of government  
not to consent to any alteration less than to sum that  
they had either changed without reason or that they had  
been in the wrong hitherto besides the alledged that of  
men who desired a change were satisfied in one thing they  
would proceed to another & many others & that therefore  
it was necessary to deny their first request that they might  
make but such as the unaccommodating

policy & tends to alienate the minds of the subjects. Moderation  
which we ought to lead the rulers of State in their to effect  
a reasonable & gradual change nor to lay the foundation  
of their confederacy open to the hasty examination of quacks  
& political projectors. The ignorant are apt to  
with the best intentions to endeavour to reform the worst.  
In general they are tenacious of custom tho' in some  
particulars they are

various modes & appearances it often endued & lands are a con-  
tent or an old dispute & hurtful confederacy affirming  
it to be absolutely perfect & incapable of a change to the last-  
ter & it sometimes appears as a cover one new confeder-  
acy offering such amendment as if admitted would over-  
turn entirely a government altogether of the nature and  
the abominable proposal of a

of all consideration, a  
scheme that is destructive of property inconsistent with rational  
liberty & tending to render society to the greatest misery if it  
were only admitted for a few days to all alteration of this kind  
very good citizen ought to make the most determined & in-  
dignant opposition while they listen with patience to every pro-  
posal of change which is inconsistent with justice & the qua-

ends of government the Genius of mankind leads to profligacy  
Every order of men every individual always apprehends  
some inconveniency which they wish to remove or some  
advantage <sup>that</sup> they think they will gain & they would  
utterly break thro' every form to attain their own ends  
prudence & regularity in government when continued  
in practice for any time have one of two effect men either  
become reconciled to them altogether & perceive that things  
could not be better ordered or they become impatient & have  
them avoided & at the same irregular & violent methods  
for that purpose than the plebeians in Rome suffered  
the patricians for a long time to appropriate the honor of the  
state to themselves than they applied for tribunes &  
lastly for a communication of all the honor of the state now  
if through impolicy or neglect any of these demands had been ne-  
glected it might have been the ruin of the state & on the other  
hand the complying with these requests with regard to an equal  
division of the lands might have had the very same effect  
so much up to them

Art commerce & population according as they advance or decline  
give rise to new circumstances & suggest suitable arrange-  
ments the changes in manners laws & revenue & administration  
consequences by these circumstances must be obvious to every

attention of observer of the affairs of men that the circumstances  
of those in the age of Augustus must have been vastly differ-  
ent from what they were in the time of Evander. The

opinion of the

salary of officers were the same in times of wealth, or in the  
poor beginning of a state it could not expect to support its  
dignity or to find men to deserve it in some cases however we  
find that no allowance has been made for the change of time.  
The Pay of the English army

ago yet it was raised to the  
day notwithstanding the great alteration of time & the rate of  
States was  
probably paid at an earlier period being much less than the  
English yet the same rigor is observed in all of them & no  
man gets less paid the pay of a soldier in Spain is scarcely  
above

an made so that only one penny &  $\frac{10}{12}$  of a  
penny or less at the disposal of the soldier we cannot deny say  
that neither the smallness of the pay less in the reign of  
Queen Elizabeth

so that the soldiers in her time were upon a  
level ordinary maintenance & travelling money which is now very  
far from being the case but that time the Royal apart-  
ments were commonly carpeted with straw or rushes & now

hay was only permitted at the entry of an Embassador  
his majesty used to ride to St. Pauls church on a Pillow  
behind his Lord Trapins & he purchased the first coat  
& the first pair of silk stockings that ever were in England  
nothing

wool-factor that an usd for hats in the  
house of lord. though the luxury of the times has now covered  
them with scarlet cloth In a new country regard ought to  
be had to the former of the state & every thing ought to be  
adjusted on the most frugal plan that is compatible with  
dealing till the manuf<sup>r</sup> of art.

of going too far & of profit.

long the circumstances of the country but necessity has already  
called to some men harmony on publick matters it would  
have been much better if it had taught sooner to restrain  
over private enemies & importunities The people under the  
oppression of great inconveniences are apt to break out into  
revolts & to effect great revolutions but it often happens  
that even under the oppression of the last inconveniency-

prosperity relieves & in the course of time by small alli-  
ances produce a material & perfect effect nothing

unaccountable than the tempests of the people sometimes their  
patience of government is perfectly wonderful & approaching to in-  
proficiency. & at other times their demands are reasonable &  
moderate & they will be contented with little but at other  
times again nothing short of absolute sovereignty

This however  
will content them they always lust too much to their head  
or, but often have the misfortune to choose the very worst  
the voice of a people under a monarchy is generally more  
rarely unanimous & desirous to be heard than to be sent  
the voice of a people in a republick is often unanimous  
profound & desirous to the highest degree when they feel  
thus conquisitive & find themselves all

wretched & cruel-  
ties & infirmities of crowned heads, a good citizen under a  
monarchy will always be jealous & apprehensive of the infor-  
mation of the crown & a good citizen under a republick will be always  
on the guard against the mad & the violent humors of the  
people as the latter are as prone to tyranny & injustice as the  
former if not check'd by laws

- - - - -  
governance the people often

make no kind of distinction between small  
matters & those as much zeal for trifles as for the most  
severe & important concerns this is likewise one of the or-  
dinary weaknesses of monarchy thus Mr. Webster

100 crimes in trifling one small offence it is a great defect  
in power however when proportion is not observed when punishment  
is not suitable to crimes not regarded at law to  
the subject in dispute it sometimes happens that the  
people are what the proverb says "as my wife & I found foolish"  
that is they perhaps judge the numerous taxes for the pur-  
pose of government & at the same time

by exorbitant char-  
ges for law without the least murmuring now the rea-  
son for this is that they have strong reason for going to  
law though they have no reason for paying taxes & they

but when they people have once projected & digested  
a scheme of information to their advantage thus claiming one  
part of it will only encourage them to pursue the others &  
in this course?

retard or divert the motion but they cannot  
hope to stop it and it is in the nature of man to ground -

In  
of changes whether the offer is to be made or only remote now  
the choice of proper terms for every lump sum being so very delicate  
& difficult it sometimes happens that a proposal may be de-  
layed that could not have been hindered by any means. De-  
lay

men of their favor the design at other times a gain storily in  
natur their prudence & exalt them to emperors they  
method that prove successful in allaying or diverting our  
hostile conmition may not withstand long begets unfor-  
tunat with regard to another on account of accident that  
no man can forese or but when the nature  
of the exp puts it in ones power to bring and for every &  
event it is certainly

plexity & uncertainty the old maxim "vox populi vox dei" ought to be understood with a number of exceptions limitations & restrictions on every political deliberation. It is natural to know what is left for mankind that we may depart from it as little as possible exceptive & reluctantly & full in attorney on the two extremes.

change cannot be long in thorough as

This  
on the other hand of iff admires to sustain generally  
has no life  
harmful or opp[er]tunistic prudence attention to circum-  
stances & acquaintance with the nature & affairs of  
men are the best helps to a right conduct or at least  
will serve to guard us against fatal & capital errors  
a well informed understanding even with the worst intentions  
may prove some happy effects though far short of that  
ideal expection

To look for in the affairs of men There is  
nothing that men strongly distinguish the present state

extent of their several expections the specu-  
lalist looks always for perplexion & is utterly disappointed  
if every thing does not turn out right & perfectly when looking  
on the other hand the real Politician is content to gain  
a little even though he loses a great deal & will exert  
patience & certain hope of things an only on a tolerable  
situation though far short of what he wished for  
however & unhelpfull men will sometimes lose all  
hope they cannot gain

by itself & acquainted

affair to look somwhat in order began a part & when they  
cannot obtain all their desirous & endeavours at least to get  
what they can "Est quodam prodere tenuis si non datu*rum* ultra  
Opp<sup>o</sup> Opp<sup>o</sup> men will always be exposed for disappointments

Schemes to stake all upon a  
single vent is very unguarded & never to be hazarded with-  
out necessity but to have always a reserve even in the worst  
vent is the office of political prudence & it may give us some  
assurance that we have at least gained something even  
when a great deal is actually lost

"Putulit in milles. mules alibi sumper fer.

"Eten fidei surper fortunē locavit —

An attention to time & occasion may sometimes render in able  
us worse to recover much of what we had left & consequence  
in laudable designs & not only necessary in order to support our  
restitution but to discover proper means & opportunity  
of retrieving our affairs "Nuncquam  
est platus frand.

who then who ought to have supported them  
may find spurs to opportunity in the course of time by which  
these endeavours though often abortive may at last be crowned

ed with sumpt or at least not to altogether sustain the  
loss in the publick by men per se overreached the end  
of the course before the hand which though far surper was me-  
tegent & inattentive - Political interests are those of all others  
which ought the least to be committed to chance our party our peace  
our reputation or to another our improvement or degeneracy depend  
in a great measure on our political institutions by which our rights are  
gratified or violated our reputation is either made to approach to

place comes an injured or banished or their being man therefore  
can be indifferent to the political constitution of the country in w<sup>c</sup>  
he lives. We all depend upon the nature & administration of that  
constitution our characters properties right & enjoyment of every  
kind depend not only on political constitutions but on the degree of  
life that is given to them by actual execution sometimes even  
under dispensation a little lenity & few of the subordinate instruments  
of tyranny may make the yoke somewhat lighter to the sub-  
ject & allay many of his fears but on the other hand when good  
laws exist but are not executed good citizens are apt to despise  
the government the uncertainty & injustice of slavery on the  
very bosom of liberty for all the good qualities of the government  
lie only in the laws & constitution & none of them deserveth  
in the administration the subjects are not likely to be any  
better for them as one may talk of a good government even

in the most despotick countries this is all the good that  
can be got of a government that wants an executive want of  
expenditure & attention especially on new countries

on another  
that they are overpaid & that masters cannot be made  
there will be have bad laws, in a country where at all is  
doubtless a very dismal condition but surely not worse than ha-  
ving the best laws of in the world in our Statute Books

to them Political infatuation tends to heighten & augment the good  
or evil with which they the publick  
manners may indeed be worse but are not likely to be any bet-  
ter in any country than the laws & constitutions a bad law may  
by the addition of the care of administration in executing it do much  
more mischief than could at first have been expected from it & a  
good law on the other hand if it fails in the execution may give  
much more difficulty than if it had never been made but  
if it is animated by an active & honest magistrate may either  
do more good than we looked for from it Human affairs  
in some instances tends to improvement & in others to corruption  
& the infatuation of men in one of these cases promote their  
improvement but in the other hasten their corruption when

already been a long controversy  
or not." At present

tutit nos sequitur mon

" Some would have us believe that

complaints of the hand are only the natural effects of the profligacy of old men lamenting th. loss of the delights of their youth & th. infidelity that the world instead of growing worse is daily growing better & that men are now more virtuous than ever the truth no doubt lies in the middle

exactly so far as on what respects the world

and its improvement & in what it grows worse or perhaps a  
taste still harder than the other kind of men are really wrong.  
It seems to be only in fortification knowledge & a regard  
to the character of things far with regard to honest truth upright  
and just

whether we indeed that it grows daily worse though perhaps occa-  
sional happiness easily to strangers & the other holy day

than they are. Formerly Antiquarian manners may improve  
even on the absence of morals a few men are ignorant in civi-  
lity or can afford little as well as appears in words as  
the person who is entirely without honor who intends to do no good  
& who imagines his duty to his fellow creatures to be compleat-  
ly discharged only by tattling ~~caustically~~

In a monarchy the manners & customs of the court & those  
in high office contaminate the standard of propriety &

to the lower class on the contrary in a Republick those  
who possess the talents of flattery & flattery or who practice  
the usages of Demagogues generally set the fashion so far as  
fashion can be said to take place in a Republick institution  
that grows on maxims of justice that engage the minds  
of the citizens in other duties that teach them to esteem rank  
by the measure of personal qualities tend to confide & to cultivate  
virtue on the contrary such institutions whereby men are forget  
of their rights or made to hold their properties at discretion  
under which they are supposed to be governable only by force  
or by the fear of punishment tend to begat tyranny & oppres  
sion in the

No country ever degenerate with talents & skill wry heart  
with jealousy & diction the greatest & most extensive benefit  
that wise men can hope to procure for their country is the esta  
blishment & preservation of just institutions & on the other hand  
the greatest injury that men can commit is the overthrow &  
corruption of such institutions however difficult it may be  
to define it there is such a thing as national character & the

of the Citizens it leads

to gradual improvement but when it is bad it must corrupt  
moral more & more extinguish the sense of shame & render  
men totally callous with respect to all distinctions between  
truth & falsehood right & wrong while society will be in  
perfect state. The mutual communications of mankind an-  
person fearing & cautious there will be very little uni-  
formity of character but at the same time there will be  
very little improvement Corporations ought however  
community of friends or taste are the great cement of society  
& contribute most to form a publick agent while men stand  
aloof from one another & converse only with caution & reserve  
the principles will be generally approved

for the publick agent

sense of liberty & independency gives elevation to a common  
ascetic mind the person who really loves the publick is eager  
to see them better than they are at present in every respect  
better worth better & more better provided better informed &  
better advised & governed than they have been hitherto  
while the flatterer on the other hand

that all is well enough already or augurs bright

but the good  
citizen ought to study the propagation of sound opinions  
the greater of moral & political virtue & above all should

follow citizen, our political constitution a form of government  
cannot make us worse but we may abuse it & render  
it a great misfortune unless by bad morals & a want of  
public spirit. If a man has no ambition for a good cha-  
racter it is not probable that he will give himself much  
trouble to perform his contracts, or to avoid disgraceful  
conduct

Some of them at least might learn to  
be ashamed of their conduct because a man can derive no  
true honor from the freedom & independency of his country who  
does not reflect honor upon it by the dignity & propriety

"An honest man's the noblest work of God"  
Wright Ainsworth

proficiency & a faithful perform-  
ance of all engagements might tend to restore confidence &  
public spirit & put us in a way of getting out of all our  
difficulties but law & constitution are quite idle & vain  
without good moral & industry. So often the end &  
degenerate age to look

impudent vice sort of countenance also make us high  
that never blushed before are no doubt  
ambition is only stimulated by diffidence.

You have

Economy & Policy habit of enquiry is formed by practice  
the several hints that have been thrown out to you & the  
large field of speculation over which you have been & may  
justly be of signal use to you if you are not wanting to

confuse many & of great service for opening your  
mind examining your faults & introducing you to the know-  
ledge of human nature & virtue, study & meditation a. will  
as the frequent recollection & careful survey of your past life  
may be of the highest use to you. The practice of Buffon's  
intercourse in the affairs of men

many things what you have  
been taught which at present perhaps appear very doubtful  
We ought extremely desirous to learn the history of human nature  
by our own experience forsooth rather the proverb says justly  
that Experience teaches less of you than the history of man  
himself

you will be so much the better qualified for

capacity. Other doctrines which we have taught you we have  
endeavoured to establish by arguments & to illustrate by  
quotations from Philo, Sphaer & other

I often had occasion to quote Latin & Greek not in order  
to give you a model of proper composition which is not  
immediately our business but to point out to you the ex-  
cellence of these authors

language they are born  
born full in the hands of Mayo forgetting that they  
were written by wise men

for 20 Centuries. All  
nations when these authors have not been understood have  
remained barbarous

Scenes of gloomy darkness  
introduced those who have been able to understand them  
in their youth will find them agreeable even in old age &  
will not be disposed to borrow their notions of them

enough to discern their beauties your knowledge of men  
& things will lead you to prize the constitution of your coun-  
try & to labour to improve

if a man has not parts or talents  
enough or is destitute of an opportunity to serve his country

civil moral & political duties in the best manner if you  
have contracted a love of study & conversation this will be of  
great consequence to your future as an enjoyment of  
life & an improvement of time as well as in order to com-  
municate to you many delightful & useful truths &  
duties.

Those who have contracted a just moral taste &  
who feel an admiration of true excellence by daily perusing  
the best author of antiquity you contract a habitual mag-  
nanimity & dignity of sentiment which will lead you to des-  
pise all falsehood & disimulation & direct to detect the

beauty of virtue the study of good authors will tend not less  
to improve your taste than to inform your mind, a sense  
of properly harmonic proportion delicacy & beauty in man-  
ners & virtues tends to improvement of manners &  
taste for the fine arts in so far as our circumstances  
allow us to pursue it is also of great consequence to youth  
good company & the conversation of the learned you will  
find

Study to be daily enlarging your ideas

cowardice the youth that is afraid to labour will never

be a man of spirit & regulation Cultivate your facul-  
ties

c arguments frequently compare your ideas  
c review the progress you have made in some lesson of  
Polidany & vanity draw not of being able to make  
those comprehend what you have learned who are desitute  
of taste & of the Elements of Science Behave well all  
men

c attention avoid ill company if you have the  
least expectation of the esteem of the publick modesty is  
the varnish of knowledge & the true ornament of youth

you give them no cause of offence remember that  
your having gone through the forms of a liberal Educa-  
tion constitutes a particular rank in life

more surely will be expected of you than of others study  
that the reputation of men concerning you may not be  
totally disappointed Definition humanit,

dignity of manners will  
be of men friend to you

use of & ornaments displays of  
your learning beware of an immoderate talkativeness  
as well as of a full & stupid silence be ready to hear

dignity but at the  
same time with candor & without a good manness  
remembered that your behaviour will not only be of consequence  
to yourselves but will in a great measure determine the  
character of your teacher, & of the jeminary

to us

a well as to yourselves by a worthy behaviour & that  
you will not by a contrary conduct contribute to disgrace  
those who sincerely wish you well & who have done you  
no injury.—



